

IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH,
NAGPUR

SMPIL No.5 of 2020

Court on its own motion Versus
Union of India and others

Office Notes, Memoranda of Coram, appearances, Court's orders or directions
Court's or Judge's orders and Registrar's order

Shri S.Y. Deopujari, Government Pleader for State.

Shri U.M. Aurangabadkar, ASGI for Union of India and National Testing Agency.

Shri S.M. Puranik, Advocate for Nagpur Municipal Corporation.

Coram : R.K. Deshpande & Pushpa V. Ganediwala, JJ.

Date : 1st September, 2020

1. Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Yesterday, i.e. on 31st August, 2020, we took suo motu cognizance of the flood-like situation prevailing in certain parts of Vidarbha, viz. Nagpur, Bhandara, Amravati, Akola, Chandrapur, Gondia and Gadchiroli. A letter was received by this Court from one Nitesh Dudhram Bawankar. R/o Paoni, District Bhandara, wherein the problem of the students appearing for the career leading JEE-Main Examination from the flood affected areas was highlighted. We also noticed from news item that the flood situation in Bhandara, Gondia, Chandrapur and Gadchiroli is grim. We could see that it may not be possible for the students to reach their centres to appear for the examination, the preparation for which goes on for a year. We were, therefore, anxious to know the flood situation prevailing in all such districts is such that the aspirant-students lose their chance to appear in the examination for no fault on their part. Hence, we called upon the Collectors of these districts and the Municipal Authorities as well as the National Testing Agency to consider the

question of postponing the JEE-Main Examination for the students residing in the flood affected areas because they were unable to reach the centres.

3. We appreciate the quick response on the part of the Collector of every district, the National Testing Agency, and the authorities of the Municipal Council/Corporation.

4. The District Magistrate/Collector, Nagpur, has informed us that the Nagpur district has 1,284 students, who are to attend the JEE-Main Examination in 6 centres; however, there is no flood-like situation in the Nagpur district and the examination can be conducted and the students can appear for the examination.

5. The District Magistrate/Collector, Akola, has categorically brought to the notice of this Court that there is no flood-like situation as on today and, therefore, there is no hurdle in conducting the JEE-Main Examination.

6. The District Magistrate/Collector, Chandrapur, has brought to our notice that in Brahmapuri tahsil, total 21 villages are affected by flood water; out of which, 8 villages has been surrounded by flood water, and the National Disaster Response, State Disaster Response Force, and the other flood rescue-related authorities are carrying out rescue operations in flood-affected villages, and if there is a need, people are also being evacuated to the safe places. It is further stated that the rescue teams and the other local authorities, including the revenue administration, have enquired at the local level to ascertain if there are any students who are appearing for the JEE-Main Examination; however, no communication has been received in that regard by the authorities. It is further stated that there are 4 examination centres at the District Headquarter Chandrapur and these areas are not flood-affected, so also these centres are accessible by road from all tahsils and neighbouring districts as well.

7. The District Magistrate/Collector, Amravati, has brought to our notice that there is no flood-like situation prevailing in Amravati district and that the JEE-Main Examination shall be conducted by the City Co-ordinator, School of Scholars, Amravati as per the circular of the National Testing Agency.

8. The District Magistrate/Collector, Bhandara, has informed that total 47 villages are cut off from the main street due to flood situation, which is grim. Similarly, the District Magistrate/Collector, Gondia, has brought to our notice that there was flood situation in two tahsils, viz. Gondia and Tirora, on 28th and 29th August, 2020 and this situation was further worsened by release of water from Sanjay Sarowar Dam in Madhya Pradesh. It is further brought to our notice that in these two talukas, total 30 villages are affected by flood, disrupting their accessibility by road.

However, the Collectors, Bhandara as well as Gondia, inform that there are no centres for this JEE-Main Examination, located either at Bhandara or at Gondia and the candidates appearing for the examination shall have accessibility by road to Nagpur and shall not face any problem for appearing for the examination.

9. The District Magistrate/Collector, Gadchiroli, informs that due to release of huge water from the Gosekhurd Dam, there is cut off at 12 points of road, which has affected the inter-district transport and the situation of flood may remain unchanged for another one or two days. In such condition, it is stated that the National Testing agency is the appropriate authority which can decide the issue of postponing of examination for the students affected by the flood.

10. Shri Ulhas Aurangabadkar, the learned ASGI appearing for the National Testing Agency, after taking instructions, informs us that the Apex Body of the JEE-Main Examination shall consider the representation, if any, received through the Co-ordinator or the Agency conducting Examination in the District, by the student who would not be in a position to attend the JEE-Main Examination due to flood situation or due to problem of transport and communication. If such representation is received, after making appropriate enquiries from the District

Collector and the Centre Co-ordinator of the Examination, the same can be appropriately considered so that the students do not suffer for no fault on their part. We appreciate such gesture on the part of the National Testing Agency.

11. In view of the aforesaid stand taken by the Collectors of the respective districts and the National Testing Agency, we do not find any reason to proceed further in the matter. However, if any of the students is unable to attend the examination on the centre due to flood situation, a representation can be made through the local agency to the Apex Body of the JEE-Main Examination, which shall be considered appropriately after making the enquiries from the Centre Co-ordinator and the District Collector. However, we direct that if any such representation is received, it be immediately forwarded by the concerned Agency/Centre Co-ordinator to the Apex Body of the

JEE-Main Examination and the decision on it should be taken within a period of fifteen days.

12. We are satisfied that the stand taken by the respondents take care of the situation. With the aforesaid observations and directions, we dispose of this suo motu PIL.

13. We appreciate the co-operation extended by all the learned counsels appearing for the parties as well as the Collectors of the Districts and the Municipal Authorities.

14. This order be communicated to the counsels appearing for the parties, either on e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE _____

JUDGE.