

## **THE MOOT COURT PROBLEM**

Mr. Mitesh Gattani, Mr. Hitesh Jatt and Mr. Jitesh Bhatt are citizens of Lydia. Mitesh Gattani has studied 3 year law course from Pinnacle Law School, SB Road, Timbey, Hitesh Jatt has studied 3 year law course from ZIP Law College, Dunwell, Timbey and Jitesh Bhatt has also studied 3 year law course from WC Law College, Dembur, Timbey.

Mitesh Gattani, Hitesh Jatt and Jitesh Bhatt have appeared in the final year of LL.B examination held in May 2017 by the University of Galaatti. The examination of LL.B Semester-VI (three year course) started on 17/05/2017 and ended on 26/05/2017.

The State Legislature passed the State Public University Act, 2016 to provide for academic autonomy and excellence, adequate representation through democratic process, transformation, strengthening and regulating higher education standard etc. Section 17 of the Act provided that the Director, Board of Examination and Evaluation shall strive to declare every result within 30 days and shall in any case declare the results within 45 days from the last date of examination. It also provided that in case of delay, the Director shall send a detailed report outlining the reasons thereof. Section 88 of the Act provided that before the end of each academic year, the University shall prepare and publish a schedule of examinations of next academic year. The affiliated Colleges and recognized institutions shall strictly adhere to the schedule. In case of failure, the concerned authority shall have to make a reasoned report to the Chancellor's office within thirty days. Section 89 of the Act provided that the University shall strive to declare the results of every examination within thirty days. It also stipulated that in any case, the University shall declare results within 45 days.

The University of Galaatti failed to declare the results despite lapse of 45 days. On the basis of an RTI application filed by Mitesh Gattani, it was further revealed that the University has caused inordinate delay in publishing the results of examinations. Out of 388 examinations conducted by University in 2016, nearly 210 results were declared after 45 days. On the complaints being made by various students including Mitesh, Hitesh and Jitesh, the University responded that a deadly virus called 'SNAPSTER' has infected the University computers and the online system thereby destroying the stored confidential data and hence the delay. The students time and again has requested the university to manually declare the results, however, the University declined to do so stating that it is the matter of policy and standard procedures from which the University can not deviate.

All the three students had applied to several foreign universities and the last date for submission of all necessary documents was 31/07/2017. But due to the declaration of results, the three students had to forgo several opportunities for higher education which have not only adversely affected their career and also left them in mental agony. These students were also prevented from preferring an application for an LL.M course from the National Law Universities as well because in order to take the Entrance test, the students were asked to have their degree, migration certificate and other documents.

These students also suffered on various other fronts. They could not appear for the various competitive examinations such as AFCAT, Judge Advocate General (JAG), as the last dates to apply were already over. They also lost the chance to apply for the judicial examination. They were not even allowed to enroll themselves in the Advocates roll and this has caused unnecessary delay depriving them to exercise their right to practice.

Aggrieved by the inaction on the part of the University, all three students made a complaint to the District Consumer Forum requesting the forum to direct the University and all others responsible to make a compensation of Rs. 10 lakhs to each complainant. The District Forum heard the complaints and awarded compensation of Rs. 2 lakhs to each complainants. The University made an appeal to the State Consumer Forum where the order of District Forum was confirmed. In an appeal made to the National Consumer Forum, the forum not only confirmed the order made by District and the State Forum and but also raised compensation from 2 lakhs to 5 lakhs to each complainant. Against this order of the National Consumer Forum, the University preferred an appeal to the Supreme Court for the final hearing of the matter.

The success of students in the National Consumer Forum made the national headlines which soon led thousands of other students to file similar complaints in District as well as the State Consumer Forum. Various writ petitions have also been filed in the High Court against which the appeals have been preferred to the Supreme Court. There was yet another category of students who filed writ petitions in the High Court who were not students of the University but were waiting for the admission process to begin and ultimately could not secure admission anywhere because they waited so long for commencement of the admission process in the University which could not be commenced due to delay in results. However, they did not get any relief in the High Court and thus, preferred an appeal to the Supreme Court.

The Supreme Court of Lydia has decided to combine all these appeals together as the issues involved are the same and decided hear the matter on 23<sup>rd</sup> September, 2017.

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