

THE HIGH COURT OF MADHYA PRADESH
WP-11707-2021

(ANKITA AGRAWAL Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WA/00729/2021, WP/10562/2021, WP/11870/2021, WP/12626/2021, WP/12882/2021,
WP/13216/2021, WP/16402/2021

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Jabalpur, Dated : 04-10-2021

Heard through Video Conferencing.

Shri Naman Nagrath, learned Senior Advocate with Shri Amitabh Gupta and Shri Ram Narayan Tiwari appeared for the Petitioner.

Shri Kishore Shrivastava, learned Senior Advocate appeared for the Respondent.

Shri Kunal Thakre, learned counsel for the Respondent Nos.5 and 6.

Shri Shashank Shekhar Dugwekar and Shri Samdarshi Tiwari learned counsel for the Respondent/Intervener.

Shri Swapnil Ganguly, Proxy Council appearing on behalf of Advocate General.

W.P. No.11707/2021 has been filed by Ankita Agrawal alleging mass scale corruption in the conduct of examination and declaration of results for various medical colleges of the State conducted by M.P. Medical Science University, Jabalpur and its Controller of Examination, which was outsourced by them to a firm M/s Mindlogix Infratec Limited, subsequently implemented as party respondent in these proceedings. The allegation in the writ petition is that the said company was already facing criminal cases at Agra in the State of Uttar Pradesh on allegations of preparing huge number of fake mark-sheets. While on one hand, the result of the students is not being declared for as long as two years, on the other, some of the students, who were actually absent in the examination, have been declared pass. In the

internal enquiry conducted by the University through its own Registrar, the said Company has been found guilty of large scale irregularities, affecting career of several medical students of the State. Yet no action has been taken against it.

Petitioner - Akhilesh Tripathi has filed similar petition bearing W.P. No.16788/2021 also alleging mass scale irregularities in the University and averred that despite the Government receiving several complaints in respect of the scam, no serious action has been taken. The Vice Chancellor of the University himself was directed by the State Government vide letter dated 1.6.2021 to get an enquiry conducted through Registrar of the University. The University on the basis of the aforesaid enquiry on 5.7.2021 terminated the agreement with M/s Mindlogix Infratec Limited and black listed the same. Dr. Vrinda Saxena, the Controller of Examination was removed from her position and Deputy Registrar Dr. Tripti Gupta, who actually bursted the whole racket, was also repatriated to her parent department. Even the Chairman of the Enquiry Committee Dr. J. K. Gupta, Registrar of the University, was also transferred and repatriated to his parent department. W.P. No.11870/2021 has also been filed by Arvind Mishra on similar facts alleging big scam in the conduct of examinations and declaration of result by the University.

What is common in all these writ petitions is that the petitioners have prayed for a direction to conduct an enquiry by the retired High Court Judge or by CBI or by constitution of an SIT, into the allegations of functioning of the M.P. Medical Science University and the role of M/s Mindlogix Infratec Limited.

This Court on 14.09.2021 passed a detailed order with reference to the earlier orders passed on 16.08.2021 and 31.8.2021. When the matter was listed on 16.08.2021, the learned Additional Advocate General appearing for State submitted that the matter with regard to holding a “high level enquiry” is under active consideration of the Government and he shall soon apprise the Court about decision of the Government. When the matter was again listed on 31.08.2021, he again prayed for time to report compliance of the order dated 16.08.2021 and intimate this Court as to what decision has been taken by the Government. When the matter was thereafter, listed on 14.09.2021, the Court passed the following order:-

“Today again when the matter was called out, Shri Pushpendra Yadav, learned Additional Advocate General submitted that the Commissioner, Medical Education, Government of M.P., Bhopal has sent a communication to the officiating Vice Chancellor of the University (Divisional Commissioner, Jabalpur) to clarify on certain aspects and answer certain specific queries. Learned Additional Advocate General stated that upon receiving the reply from the officiating Vice-Chancellor, the Government will take a final call on the question of getting a high level inquiry conducted in terms of the understanding given to the Court on 16-08-2021.

Having regard to this request made by the learned Additional Advocate General, considering gravity of the matter and seriousness of allegations, we post these matters for hearing on 4-10-2021 directing the Chief Secretary, Government of Madhya Pradesh to state on his affidavit as to final decision of the Government on the question of holding high level inquiry.”

The action taken report filed today supported by affidavit of Chief Secretary, Government of Madhya Pradesh, Bhopal only states that there were some procedural and technical defects in the enquiry conducted by the then Registrar of University, therefore, no final decision could be taken by the State Government in respect of holding high level enquiry. The Commissioner of Medical Education, Government of Madhya Pradesh therefore sent communication dated 13.09.2021 to the Vice Chancellor of

the University (Divisional Commissioner, Jabalpur) seeking clarification on certain aspects. In response to that letter, the Vice Chancellor has now sent clarification. The State Government on considering the clarification of the Vice Chancellor has constituted a five members "High Level Committee." Surprisingly, however, the Committee, which the respondents have described as "High Level Committee", is the one headed by an officer of the rank of Additional Collector, Jabalpur with four technical experts.

In view of the gravity of the matter and seriousness of allegations of large scale irregularities in various examinations and their results, the proposal of the Government to get the matter enquired into by such Committee cannot be approved. Even as per the original stand of the Government before this Court, the aforementioned committee cannot be described as a "High Level Committee". The committee that should be entrusted with the task of holding enquiry should be such, which includes persons of high caliber, eminence and reasonable stature. In our view, the enquiry committee should be such which inspires confidence of all concerned and dispels the misgivings about the fairness of examination and declaration of results amongst the students, their parents and the public at large.

It is therefore directed that the State Government shall constitute a High Level Committee headed by a retired Judge of the High Court with a Senior Police Officer of the rank of Inspector General of Police or above and three experts drawn from the disciplines of Academics, Computer & Information Technology and Forensic Science. In the meanwhile, the respondents-University and M/s Mindlogix Infratec Limited are directed to

keep the soft data on their data base server/computer system fully preserved, so as to facilitate fair and independent enquiry, verification whereof shall be made by the committee immediately on commencement of the enquiry.

The enquiry committee, as directed above, shall be constituted within seven days. Considering that the matter pertains to the career of the large number of students, the enquiry committee so constituted shall have the mandate to complete the same within a period of 30 days and shall be provided with all the logistic support and access to the records.

Ordered accordingly.

Matter to come up on **25.10.2021**.

Interim order in connected matters to continue till the next date of hearing.

(Mohammad Rafiq)
Chief Justice

(Vishal Dhagat)
Judge

Anchal