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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P. (C) 3411/2020, C.M. Nos.12111-12112/2020
NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Senior Advocate
in person

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Vivek Goyal, CGSC, for
respondents No. 1 and 4
Mr. Sachin Dutta, Senior Advocate
with Mr. Mohinder Rupal, Mr.
Sumit Paral, Advocates for
respondent No. 2-University of
Delhi with Mr. Anil Aneja, Nodal
Officer for Persons with Disability
of the Delhi University
Mr. Apoorv Kurup and Ms. Nidhi
Mittal, Advocates for respondent
No. 3-UGC

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 09.06.2020

[VIA VIDEO CONFERENCING]

C.M. No.12112/2020 (for exemption from filing duly attested affidavits)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P. (C) 3411/2020 and C.M. No. 12111/2020 (for stay and directions)

3. This petition impugns the Notifications dated 30th May, 2020 and 1st June, 2020 issued by the respondent No. 2 Delhi University (DU) for holding of Open Book Examination remotely for the final year/term/semester students of the various Under Graduate/ Post Graduate programmes/courses of the respondent No. 2 DU and its affiliated colleges. The challenge is *inter alia* on the ground that the same is against the rights of students with visual impairment and other disabilities under the Rights of Persons with Disabilities Act, 2016. Mandamus is sought to respondent Nos. 2 DU to assess the performance of visually impaired and other disabled students of final semester/term/ year, both of UG and PG programmes, for Academic Session 2019-2020, on the basis of their performance in the previous semester as well as internal assessment, on the same basis as has been decided to be done for other intermediate semester students. Alternatively, direction is sought for holding of off-line examination, at least one week after the opening of the University/Colleges. Mandamus is also sought for permitting the said under Graduate and Post Graduate students to appear in the entrance tests for the courses of their choice and grant them admission provisionally for Academic Session 2020-2021, if their final year/semester/term examination results are not declared by the time the admission process is commenced.

4. We have heard the senior counsel for the petitioner appearing in person, senior counsel for the respondent No. 2 DU as well as Prof. Anil

Aneja, Nodal Officer for Persons with Disability of DU and the counsel for the respondent No. 3 University Grants Commission (UGC), in an attempt to solve the various issues raised in the petition, to enable timely completion of the various programmes/courses of DU and which would otherwise be an impediment to the career of the students thereof.

5. Mr. S.K. Rungta, senior advocate and petitioner appearing in person has apprised us of several difficulties which the students of the final year/semester/term, suffering from visual impairment, are likely to face in the proposed Open Book Examination tentatively scheduled from 1st July, 2020. The said difficulties may be broadly categorized as, (i) non-availability of scribes in the prevalent Covid-19 situation; (ii) the hesitation of the scribes, even if available, to act as a scribe on account of social distancing norms still advised to be followed; (iii) non-availability of course material with the students (we are informed that the course material was provided by the respondent No. 2 DU); (iv) several of the students having left Delhi and being presently stationed at their home-towns/cities/villages where it is not possible for them to participate in the Open Book Examination by downloading the question-paper and by uploading the answer-sheets; and, (v) lack of assistive devices with the students at the place where they presently are. It is further argued by Mr. S.K. Rungta, that holding of physical examination as proposed would be in violation of the social distancing guidelines.

6. Though the prayers in the petition are general, with respect to all students of final year/term/semester of the under Graduate and Post Graduate courses/programme of DU and/or with respect to all students

with all kinds of disabilities, but since the persons with disabilities other than those with visual impairment are not represented before us and we do not know their will/desire, we have enquired from Mr. Rungta, whether not the petition should be confined only to the persons with disability of visual impairment.

7. Mr. Rungta informs us that yesterday, there was a meeting in the office of the Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment where the matter was discussed with respect to the persons with disabilities in general. On further enquiry, it is informed that certain organizations representing persons with other disabilities were also present in the said meeting.

8. We have enquired from Mr. Sachin Dutta, senior counsel for the respondent No. 2 DU, the number of students with disability of visual impairment in the final year/term/semester of the courses/programmes of DU.

9. The senior counsel for respondent No. 2 DU informs that though the exact figure is not available, but there would be about 200 to 250 such students.

10. Considering the small number of students suffering from visual impairment, we are of the opinion that the problem required to be solved is not so mammoth as to be incapable of resolution at short notice, so that such candidates/students are not deprived of their future prospects.

11. However, as far as the contention in the petition that the said students should be assessed on the basis of internal assessment only or on the basis of their performance in the earlier semester, is concerned, we are of the *prima facie* view that once the academic authorities competent to take a decision in this regard have taken a decision to hold an examination and to, besides the examination tentatively scheduled from 1st July, 2020, also hold a physical examination later, as and when the present situation improves, for those unable to participate in the said examination, there is no need to interfere in the decision of the academic authorities.

12. The counsel for the respondent No.3 UGC informs us that pursuant to the meeting yesterday, UGC is considering the matter. He also informs that another petition in this respect, being W.P.(C) 3199/2020, is listed next before a Bench presided by Justice Hima Kohli, on 24th June, 2020. It is also his submission that UGC only issues guidelines and else it is for the Universities to take their own decision in the matter, after perusing the said guidelines.

13. We are of the opinion that since as per the impugned notifications the Open Book Examination are scheduled tentatively w.e.f. 1st July 2020, if this petition also is posted for 24th June, 2020, by that time, delay incapable of being cured, may have been caused. Considering the urgent need for allowing the examination to be held, so as not to cause any prejudice to the students suffering from disability of visual impairment, it is apposite that the UGC takes a decision in this respect at the earliest.

14. We are unable to appreciate why fifteen days' time as sought is required to take a decision of this nature. In our opinion, it is only the difficulties pointed out on behalf of the students with disabilities which are to be addressed and for which solutions can be immediately found.

15. The counsels for all the respondents before us assure us that they will hold parleys with the petitioner and with representatives of students with other disabilities, to resolve the various difficulties which students with disabilities have expressed and find solutions therefor. The senior counsel for the respondent No. 2 DU has also assured us that if the study material of any of the students is locked in the hostel rooms, which the students were directed to vacate, provision shall be made to enable the students to collect the said material as and when desired by them. It is also assured that if any additional study material is required, endeavour shall be made to provide the same.

16. Prof. Anil Aneja, the Nodal Officer for Persons with Disability of respondent No.2 DU has also informed us that as far as the fear expressed in the petition, of students with disabilities losing out on participation in admission tests to various courses, which are scheduled to commence in September, 2020, is concerned, the students, subject to the declaration of result of the final year/term/semester examination, shall be permitted to participate in the Entrance Test and need not have any fear on this account. It is also informed that vide Notification dated 4th June, 2020, detailed provisions have been made for students with disabilities.

17. Considering the urgency, we were inclined to take up this matter

on Thursday, i.e. 11th June, 2020, but, on the assurance of the counsel for the respondent No. 3 UGC that if the matter is posted on Friday, i.e. 12th June, 2020, a solution would definitely be placed before this Court with respect to each of the aforesaid apprehensions/difficulties expressed by the petitioner, we are posting the matter to 12th June, 2020.

18. We also direct Mr. Rungta to be continuously in touch with Prof. Anil Aneja, Nodal Officer for Persons with Disability of DU and also with Dr. Khanduri, stated to be the Legal Head of the UGC, whose particulars will be given by the counsel for respondent No. 3 UGC to Mr. Rungta to, in the intervening two days, address all the issues and come up with a solution. Counsel for the respondent No. 1 Union of India to also inform to Mr. Apoorv Kurup, counsel for the respondent No. 3 UGC and Mr. Rungta, of the officers of the Ministry of Department of Empowerment of Persons with Disability and Ministry of Human Resource Development, who are to be contacted in the matter, to enable a solution to be worked out by 12th June, 2020.

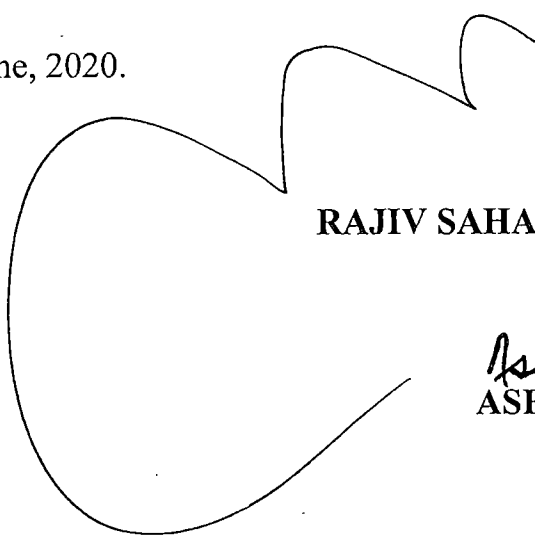
19. The possibility of holding the examination for any student facing any difficulty in taking the examination tentatively scheduled from 1st July, 2020, immediately thereafter, be also considered, by having another set of question papers ready for holding such examination.

20. We also clarify that all students of final year/term/semester, to proceed with preparations for participating in the Open Book Examination tentatively scheduled from 1st July 2020 and to merely because this petition is filed or is being heard, not assume that the Open

Book Examination so scheduled, will be delayed. This court is only examining the matter, to iron out the difficulties pointed out of persons with disability in participating in the examination and which difficulties will be addressed by the time the examination commences.

21. A copy of this order be forwarded electronically to all the parties.

22. List on 12th June, 2020.



RAJIV SAHAI ENDLAW, J.

Asha Menon
ASHA MENON, J.

JUNE 09, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020 & CM No.12111/2020 (for stay)**

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: **Mr. S.K. Rungta, Sr. Adv. in person.**

Versus

UNION OF INDIA & ORS. Respondents
Through: **Mr. Vivek Goyal, Adv. CGSC for**
UOI/R-1&4
Mr. Sachin Datta, Sr. Adv. with Mr.
Mohinder J.S. Rupal, Adv. for
University of Delhi
Mr. Apoorv Kurup, Adv. for UGC
Mr. Shashi Pratap Singh, Mr. J.P. Sengh,
Sr. Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE ASHA MENON

ORDER
12.06.2020

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[VIA VIDEO CONFERENCING]

1. Pursuant to the order dated 9th June, 2020, the respondent No. 3 University Grants Commission (UGC) has filed an affidavit disclosing its stand in the matter.

2. The counsel for respondent No. 2 Delhi University (DU) states that the said proposals of the UGC are yet to be considered by the authorities of DU. He also states that on account of illness in his family he was in personal difficulty and could not take instructions. Posting of the matter on Tuesday i.e. 16th June, 2020 is sought, contending that DU needs time of today and Monday to take a stand and explore the possibilities.
3. We have heard the senior counsel for the petitioner at length, to understand, in the presence of all the counsels, the difficulties highlighted by the petitioner, so that the solution thereto can be found.
4. It is also reiterated during the hearing that the relief, of declaring as 'pass', all the final semester/year/term students, on the basis of their past performance, may ultimately be to the prejudice of the said students. We have highlighted the decision of the Bar Council of India indicating that the students passing their final semester/year/term without examination may not be recognised by the Bar Council of India as having completed their education in law. Similar prejudices may arise on account of decisions taken by other professional bodies. It is therefore felt that it is in the interest of the visually impaired students of the final semester/year/term, to participate in the examination process as devised by DU, with such modifications as may now be worked out considering the special circumstances of the students for whose benefit this petition has been filed.
5. During the discussion in the hearing, difficulties for the visually impaired students are disclosed on the following accounts:-

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- (i) Non-availability of reading material; it is indicated that in the open book examination, in the absence of reading material or text books readable by the visually impaired students, such students would be at a disadvantage; interconnected with the said aspect is non-availability of assistive devices; it is stated that the visually impaired students study for their examination on the basis of notes taken during the class room teaching, which notes are now not available owing to classes having not been held for the last over three months and some of the students who have moved out from Delhi have also left their notes and assistive devices at Delhi and which are now inaccessible. However it is informed that an NGO Saksham is capable of making the reading material available within a week or two; and,
 - (ii) Non-availability of suitable scribes at the place where the students may be taking the examination; it is indicated that competent scribes meeting the eligibility criteria may not be available.

6. It is also informed that for the undergraduate students, as per the prescribed rules of DU, the passing grade/marks of the final year/semester/term is calculated in the following ratio: 25% on the basis of internal assessment and 75% on the basis of marks secured in the examination. The said ratio for postgraduate students is 30:70. Adjustment/compensation for the difficulties encountered by the said students is suggested by changing the said ratio to 50:50 for undergraduate as well as postgraduate students. On enquiry, it is also

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informed that internal assessment has already been done.

7. We have also during the hearing enquired about the possibility of sound recording of the answers verbally given by such students to the questions, to do away with the need for scribes, and transmission of said sound recording to the examiner in DU. The senior counsel for the petitioner states that the same may be workable and he will examine possibility thereof as well.

8. We also see no reason why the concerned officials of DU should not, taking advantage of the weekend, hold parlays with the senior counsel for the petitioner as well as any other persons so that the matter can be posted next on Monday i.e. 15th June, 2020. We request the officials of DU to immediately on receipt of this order, copy of which may be e-mailed to the counsels, immediately commence deliberations so that a workable solution is before the Court, post lunch on Monday.

9. The counsel for DU has named Professor Vinay Gupta, Dean (Examination) Ph. No.9811563101 and Professor Rajive Gupta, Dean (Students' Welfare) Ph.No.9810001819 of DU as the contact persons on behalf of DU, with whom the senior counsel for the petitioner may communicate for working out the solutions.

10. Though the counsel for the UGC states that for any other modality devised by DU, sanctions of UGC will not be required but on our request has named Dr. Surinder Singh, Joint Director (UGC) Ph.9560228560 as the contact person, in the event of any need.

11. We also request Professor Vinay Gupta, Dean (Examination) and Professor Rajive Gupta, Dean (Students Welfare) aforesaid of DU to participate in the further hearings in this petition.

12. List on 15th June, 2020 at 1530 hours.

RAJIV SAHAI ENDLAW, J.

Asha Menon
ASHA MENON, J.

JUNE 12, 2020
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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 3411/2020, C.M. Nos.12111/2020

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr. S.K. Rungta, Senior Advocate
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UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vivek Goyal, CGSC, for
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respondent No. 2-University of
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Officer for Persons with Disability
of the Delhi University

Mr. Apoorv Kurup and Ms. Nidhi
Mittal, Advocates for respondent
No. 3-UGC

Professor Vinay Gupta, Dean
Examination

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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15.06.2020

[VIA VIDEO CONFERENCING]

W.P. (C) 3411/2020 & C.M. No.12111/2020 (for stay and directions)

1. We have heard the senior counsel for the petitioner, also appearing in person, and the senior counsel for Delhi University (DU).

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2. Delhi University (DU) has today morning circulated its written submissions with respect to the various problems urged on behalf of the visually impaired students for whose benefit this petition has been filed. The senior counsel for the petitioner, after having gone through the same, has addressed five issues which according to him remain unaddressed.

3. Firstly it is stated that prescribed text books of some of the subjects/courses and/or some of the prescribed text books of a particular course are not available with the NGO Saksham. It is stated that since it is an open book examination, the availability of the said books in accessible form with the visually impaired students is essential, to give them an equal opportunity with other students.

4. Secondly it is stated that the assistive devices namely, DAISY Player (Digital Accessible Information System) and net book have not been distributed to some of the students and without which they cannot take the examination. On inquiry, it is stated that the Daisy Player is like a tape recorder but with additional functions of accessible reading.

5. The third subsisting problem is with respect to availability of scribes for students who are intending to take the examination from remote parts of the country.

6. Fourthly, it is stated that DU has denied the request for distributing the final year/term/semester marks equally i.e. 50:50 between the internal assessment and the examination.

7. Fifthly, and lastly, it is stated that the one month time sought for

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preparation, after all the said issues are resolved, has not been acceded to.

8. With respect to the first of the aforesaid issues, the senior counsel for DU has contended that though as per the University the 16,000 odd titles available with NGO Saksham would cover all the text books but even if any is not available, the material already available with some students can be shared with the others. It is also suggested that the prescribed books/text books are generally not changed every year and even if not available, can be collected from ex-students. It is also contended that the lockdown was imposed only in March, 2020 and it is inexplicable why the students who are now making a grievance, did not collect it till then. It is also suggested that now there is no time available with the University to convert any prescribed text book in accessible form and which process takes months.

9. With respect to the second difficulty aforesaid, it is contended that the University already in its written submissions has stated that any type of assistive devices can be used.

10. With respect to the third grievance i.e the difficulty qua non availability of scribes, it is contended that the University has already acceded to the students answering the questions verbally and transmitting the sound recording to the University.

11. With respect to the fourth grievance, of DU having not acceded to the suggestion of the ratio of 50:50 for internal assessment and written examination, it is stated that the same is contrary to the Statutes and Ordinances of the University and would require amendment thereof.

12. With respect to the last of the aforesaid five issues highlighted by the senior counsel for the petitioner, it has been informed that the examination schedule has already been released and now cannot be changed.

13. Mr.S.K.Runga, senior counsel for the petitioner states that there can be a separate question paper for visually impaired students, with examination thereon for the said students being taken in the month of August, instead of w.e.f. 2nd July, 2020.

14. We today, have the limitation of not knowing the grievances if any of individual students. The students for whose benefit this petition has been filed are not before us. Though the senior counsel for the petitioner states that in the existing state of affairs only 4 to 5 percent of such students would be able to give their examination but again the same is his assessment and we do not know how many are in a position to take their examinations; how many have difficulty to access text books and assistive devices and how many have difficulties with respect to scribes; for that matter, how many are in Delhi and how many are in remote corners of the country from where they are facing difficulty, also is not known.

15. We had in the first order indicated that merely because the petition is being considered, none should refrain from continuing with the preparation for the examination in the hope that the examination announced would be cancelled and/or deferred. We reiterate the same today also and at least till now are not inclined to interfere with the

examination schedule, neither for the visually impaired students nor for any other students.

16. Mr. Rungta, senior counsel for the petitioner states that he has received the response to the queries from about 200 visually impaired students and has already shared the same with DU and the matter be posted on 17th June, 2020, to enable the student wise issues raised today, being addressed.

17. The DU to, in the meanwhile also, consider the possibility of preponing the second round of examination presently scheduled for September, to August, so that whosoever is unable to take the examination commencing on 2nd July, 2020, is able to take the same in the second half of August.

18. Mr. Rungta assures that by then most of the difficulties for the visually impaired students would be addressed in collaboration with the DU and others.

19. List on 17th June, 2020 at the end of the list.

20. Professor Vinay Gupta shall also remain present on the next date.

RAJIV SAHAI ENDLAW, J.

Asha Menon
ASHA MENON, J.

JUNE 15, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (C) 3411/2020, C.M. Nos.12111/2020**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: **Mr. S.K. Rungta, Senior Advocate**
in person

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Vivek Goyal, CGSC, for**
respondents No. 1 and 4
Mr. Mohinder Rupal, Mr. Sumit
Paral, Advocates for respondent
No.2-University of Delhi
Mr. Apoorv Kurup and Ms. Nidhi
Mittal, Advocates for respondent
No.3-UGC
Prof. Vinay Gupta, Dean
(Examination)

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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17.06.2020

[VIA VIDEO CONFERENCING]

W.P. (C) 3411/2020 & C.M. No.12111/2020 (for stay and directions)

1. This order is in continuation of the orders dated 9th June, 2020, 12th June, 2020 and 15th June 2020.
2. The senior counsel for the petitioner, appearing in person, at the

outset states that after 12th June, 2020, no attempt even has been made by the respondent No. 2 Delhi University (DU) to address the various issues facing the visually impaired students. He thus states that the petition be heard finally today itself.

3. The petition otherwise seeks the reliefs of, (i) impugning the Notifications dated 30th May, 2020 and 1st June, 2020 of DU notifying the conduct of open book examination for final semester/term/year students of all UG and PG programmes respectively, for the academic session 2019-2020; (ii) mandamus to DU to assess the performance of visually impaired and other students with disabilities, of final semester/term/year for academic session 2019-2020, on the basis of their performance in the previous semester as well as internal assessment, on the same basis as has been decided to be done for other intermediate semester students; (iii) mandamus to DU to permit visually impaired and other students with disabilities of final semester/term/year of both UG and PG programmes, to appear in the entrance test for the course/programmes of their choice and grant them admission provisionally for academic session 2020-2021, if their results are not declared by the time the admission process is commenced.

4. We have enquired from the senior counsel for the petitioner, whether not, for considering the grant of the aforesaid reliefs claimed in the petition, it is essential to call for the counter affidavit of the respondents.

5. Though the senior counsel for the petitioner contends that there is

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possibly nothing which the respondents can say in their counter affidavit, but we do not agree. The reliefs as claimed cannot be considered without granting an opportunity to file counter affidavit.

6. As far as the last of the reliefs claimed in the petition is concerned, DU has already stated, as recorded in the order dated 9th June, 2020, that the visually impaired students would be permitted to appear in the entrance tests for various programmes for the academic session 2020-2021, subject to declaration of the result of final semester/year/term examination. Even otherwise, we are informed that the admission process for such programmes is not likely to commence before 27th July, 2020 and before which date, we are hopeful that the petition will be disposed of.

7. We have already, in order dated 9th June, 2020 confined this petition to visually impaired students and again clarify that the reliefs claimed in this petition and the orders made herein, including today, are only with respect to visually impaired students of DU.

8. Counsel for DU, controverting the senior counsel for the petitioner, has contended that nearly all the issues have been resolved.

9. We have enquired from the senior counsel for the petitioner, the approximate cost which will be entailed if the visually impaired students were to themselves, or through the petitioner, make arrangement for the missing text books in accessible form and missing assistive devices. The said question has been asked, to assess, whether we can bind the DU to reimburse to the petitioner or to the students the costs, if any incurred for

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procuring text books in accessible form and assistive devices on their own.

10. The senior counsel for the petitioner states that the costs of acquiring text books in accessible form and assistive devices for the visually impaired students of final semester/term/year and who are without the same, will not be more than Rs. 2 lakhs.

11. Considering the amount involved, we are able to confidently assure the senior counsel for the petitioner that costs upto Rs.2 lakhs incurred in making arrangements for devices and textbooks on own would be certainly reimbursed.

12. In the facts and circumstances, as have evolved since 9th June, 2020 when this petition had come up first, we today proceed to pass the following order:

- i. The respondents to file counter affidavit within two weeks of today. It is made clear that no extension of time for filing the counter affidavit shall be granted to any of the respondents, considering the urgency of the matter.
- ii. On such counter affidavit being filed, the petitioner may file rejoinder thereto before the next date of hearing.
- iii. The visually impaired students of final semester/term/year of UG and PG programmes of DU, if able to, even if with difficulties, to endeavour to participate in the open book examination announced by the Delhi University and

commencing from 2nd July, 2020 and if such students procure any text books in accessible form and/or assistive devices, as aforesaid, costs upto total of Rs.2 lakhs shall be reimbursed to them.

- iv. As and when a second round of open book examination is held, which as per the University is to be held in September 2020, the visually impaired students, even if have participated in the open book examination commencing from 2nd July, 2020, would be again entitled to appear in such examination, including to improve their score in the said examination.
- v. The visually impaired students may approach their respective institutes/colleges for any assistance required, including provision of reading material/text books in accessible form and assistive devices. Upon any student so approaching the Institute/College of DU, the said Institute and/or College is directed to supply the reading material/ text books in accessible form and the assistive devices.
- vi. If any student approaches the respondent No. 2 DU for assistance in arranging a scribe, to enable the visually impaired student to take their examination, DU to also make best efforts for arranging for such scribe/scribes.
- vii. Merely because the visually impaired student/s participate in the open book examination scheduled to commence from 2nd

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July, 2020, would not disentitle them to the relief if ultimately granted in this petition, as claimed therein, i.e. of assessment on the basis of performance in the earlier semester and /or on the basis of internal assessment.

- viii. The respondent No. 2 DU and all its affiliate institutes/colleges are directed to, notwithstanding the aforesaid, as and when approached by any visually impaired student/s for any assistance, to render all such assistance and in the event of any such assistance being denied, such visually impaired student/s may contact Prof. Vinay Gupta, Dean (Examination) of DU in that respect.
- ix. DU shall remain bound by all the concessions given during the hearing of this petition on earlier dates as well as the concessions contained in the written submissions made by DU.
13. List on 13th July 2020.

RAJIV SAHAI ENDLAW, J.

Asha Menon
ASHA MENON, J.

JUNE 17, 2020
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P. (C) 3411/2020, C.M. Appl. No.12111/2020 (for stay & directions)

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Senior Advocate
in person

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Mr. Sachin Dutta, Senior Advocate
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Sumit Paral, Advocates for
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Mr. Apoorv Kurup and Ms. Nidhi
Mittal, Advocates for respondent
No.3-UGC

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE ASHA MENON

% **ORDER**
13.07.2020

[VIA VIDEO CONFERENCING]

W.P. (C) 3411/2020 & C.M. Appl. No.12111/2020 (for stay & directions)

1. The challenge in this petition to the notifications dated 30th May, 2020 and 1st June, 2020 of the respondent No.2 Delhi University (DU), for holding open book examination remotely for the final year/term/semester students of the various undergraduate/postgraduate programmes/courses of the respondent No.2 DU and its affiliated colleges, is inter alia on the ground that the same is against the rights of students with visual impairment and other disabilities under the Rights of Persons with Disability Act, 2016.

2. The petition had come up first before us on 9th June, 2020, when though we were informed that another petition in this respect, being W.P. (C) 3199/2020 was listed before a Bench presided by Justice Hima Kohli on 24th June, 2020, but since the open book examination was scheduled tentatively with effect from 1st July, 2020, it was felt that if this petition also was posted for 24th June, 2020, by that time delay incapable of being cured may be caused. We had, therefore, entertained the petition, heard the counsels and vide detailed order dated 17th June, 2020, issued certain directions with respect to the examination and schedule thereof and posted the petition for today for final hearing.

3. In the meanwhile, we have been reading in the newspapers of the proceedings in W.P. (C) 3199/2020 as well as of the notification issued by the respondent No. 3 University Grants Commission (UGC). The counsel for the DU also informs that he has mailed to us an affidavit setting out all the proceedings in WP

(C) No. 3199/2020 and enclosing the orders passed therein. The same be taken on record.

4. We have enquired from S.K. Rungta, Senior Advocate, appearing in his personal capacity as the petitioner, whether not in view of the deferment and thereafter cancellation of the examination which was scheduled, the petition has become infructuous.

5. Mr. S.K. Rungta, Senior Advocate disagrees and contends that as per the directive of the UGC, the examination is now to be held by September and the problems as highlighted in this petition continue.

6. We have also asked Mr. S.K. Rungta, Senior Advocate, whether he has spent any money out of the maximum amount of Rs.2 lakhs which we had permitted him to spend and assured that the same will be got reimbursed.

7. Mr. S.K. Rungta, Senior Advocate says that the occasion for spending the said money did not arise.

8. We have enquired from the senior counsel for DU, whether W.P. (C) No. 3199/2020 pending before the Bench presided by Justice Hima Kohli has been disposed of.

9. The Counsel for DU states that the petition is pending and is listed next tomorrow.

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10. Mr. S.K. Rungta, Senior Advocate states that only the contempt proceedings are listed tomorrow.

11. It is apposite that all the petitions concerning the examination are heard and decided by one Bench only, to avoid conflicting orders and any further chaos.

12. We thus deem it proper that, subject to the orders of the Hon'ble Chief Justice, this petition also be listed before the Bench presided by Justice Hima Kohli tomorrow, along with W.P. (C) 3199/2020.

13. On the request of Mr. S.K. Rungta, Senior Advocate appearing in person, it is clarified that the directions issued on 17th June, 2020, remain.

14. List before the Bench presided by Justice Hima Kohli, alongwith WP (C) No. 3199/2020, on 14.07.2020.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 13 , 2020

pkb

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P. (C) 3411/2020 & CM 12111/2020 (stay)**

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. Santosh Kumar Rungta, Senior
Advocate with
Versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Vivek Goyal, CGSC for
UOI/R-1 & 4.
Mr. Sachin Datta, Senior Advocate with Mr.
Mohinder JS Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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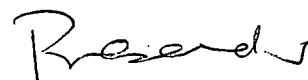
14.07.2020

HEARD THROUGH VIDEO CONFERENCING

1. This petition has been placed before this Bench today.
2. Mr. Santosh Kumar Rungta, Senior Advocate, General Secretary of the petitioner/National Federation of the Blind states that the present petition was listed before Division Bench-VI and vide order dated 13.07.2020, the same has been directed to be placed before this Bench.
3. We do not have the benefit of the order passed on 13.07.2020, as it is not a part of the record.
4. List for consideration on 23.07.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

JULY 14, 2020

hsk

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\$~4,5,6 & 7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR Petitioners
Through: Petitioner No.1 and 2 in person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Chetan Sharma, ASG with
Mr. Ripudaman Bhardwaj, CGSC and
Mr. Kushagra, Advocate for R-1 and R-2.
Ms. Nidhi Mittal, proxy for Mr. Apoorv Kurup,
Advocate for UGC.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

AND

W.P.(C) 3411/2020, C.M. No. 12111/2020 (Stay)

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Sr. Advocate in
person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Vivek Goyal, CGSC for R-1 and
R-4.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi
Ms. Nidhi Mittal, proxy for Mr. Apoorv Kurup,
Advocate for UGC.

AND

W.P.(C) 4002/2020, C.M. No. 14376/2020 (Stay)

AKSHAY LAKRA & ORS.

..... Petitioners

Through: Mr. Harpreet Singh Hora, Mr. Perdeep Kumar Naagar and Mr. Arun Hooda and Mr. Amit K. Sharma, Advocates

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for R-1/University of Delhi Mr. Sunil J. Mathews, Mr. Tasmin Singh and Mr. Ashim Dua, Advocates for R-4/DUTA Ms. Nidhi Mittal, proxy for Mr. Apoorv Kurup, Advocate for UGC.

AND

W.P.(C) 4029/2020, C.M. Nos. 14445/2020 and 15048/2020

KABIR SCHDEVA

..... Petitioner

Through: Mr. Manik Dogra, Mr. Dhruv Pande and Mr. Randeep Sachdeva, Advocates

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for R-1/University of Delhi Ms. Suparna Srivastava, CGSC with Mr. Tushar Mathur, Advocate for R-2/UOI Ms. Nidhi Mittal, proxy for Mr. Apoorv Kurup, Advocate for UGC.

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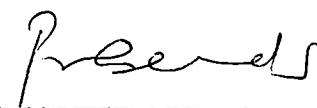
CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
% 23.07.2020

HEARD THROUGH VIDEO CONFERENCING

- 1 At the outset, we have been informed by learned counsel for the parties that some petitions have been filed before the Supreme Court that are to be listed today and some others likely to be listed tomorrow and the petitioners therein have laid a challenge to the Guidelines issued by the UGC, permitting Central Universities to go ahead with the examinations, either by adopting the off line mode, or the on line mode or a blend of both.
2. In view of the aforesaid submission, it is deemed appropriate to defer orders on these petitions.
3. By the next date, learned counsel for the University of Delhi shall keep handy, the date of the first mock test that shall conclude on 27.7.2020 and an officer competent to assist Mr. Datta, learned Sr. Advocate appearing for the University of Delhi, shall also remain present in the hearing.
4. List on 28.7.2020 at the end of the board.


HIMA KOHLI, J


SUBRAMONIUM PRASAD, J

JULY 23, 2020/ap

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020, C.M. No. 12111/2020 (Stay)**

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Sr. Advocate in
person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Vivek Goyal, CGSC for R-1 and
R-4.
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for R-2/University of Delhi
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for R-3/UGC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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28.07.2020

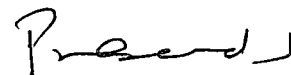
HEARD THROUGH VIDEO CONFERENCING

1. Mr. Rungta, learned Senior Advocate appearing for the petitioner states that though the additional affidavit filed by the petitioner under Index dated 11.7.2020, has been taken on record, the respondent No.2/University of Delhi has not filed a reply so far.
2. Mr. Rupal, learned counsel for the respondent No.2/University of Delhi confirms having received a copy of the additional affidavit filed by the petitioner and states that he shall file a reply thereto.

3. Reply affidavit shall be filed by tomorrow with a copy to learned counsel for the petitioner.
4. List on 30.7.2020, along with W.P.(C) No. 3199/2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

JULY 28, 2020

ap/rkb

\$~7, 8 & 9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3199/2020, C.M.Nos.11708/2020,15049/2020 & 16739/2020**

PRATEEK SHARMA AND ANR

..... Petitioner

Through Mr. Kapil Sibal, Senior Advocate
with Mr. Nizam Pasha, Advocate with petitioners
No.1 and 2 in person.

versus

UNION OF INDIA AND ANR

..... Respondent

Through Mr. Ripudaman Bhardwaj, CGSC,
Mr. Kushagra, Mr. Sahaj, Advocates and Mr.
Dinesh Tyagi, CEO of CSE Academy for R-1 and
R-2.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

Mr. Sachin Datta, Sr. Advocate with Mr.
Mohinder J.S. Rupal, Mr. Hardik Rupal,
Advocates and Professor Vinay Gupta for
University of Delhi.

± **W.P.(C) 3411/2020 & C.M. No.12111/2020 (stay)**

NATIONAL FEDERATION OF THE BLIND

..... Petitioner

Through Mr. S.K. Rungta, Sr. Advocate in
person with Mr. Sumit Pargal, Advocate.

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr. Vivek Goyal, CGSC for R-1 & 4.

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Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

Mr. Sachin Datta, Sr. Advocate with Mr.
Mohinder J.S. Rupal, Mr. Hardik Rupal,
Advocates and Professor Anil Aneja for University
of Delhi.

+ W.P.(C) 4029/2020, CMs. No.14445/2020 (interim direction) &
15048/2020 (on behalf of the applicant for intervention)

KABIR SACHDEVA

..... Petitioner

Through Mr. Dhruv Pande and Randeep
Sachdeva, Advocates.

versus

DELHI UNIVERSITY & ORS.

..... Respondent

Through Ms. Suparna Srivastava, CGSC with
Mr. Tushar Mathur, Advocate for R-2/UOI.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

Mr. Sachin Datta, Sr. Advocate with Mr.
Mohinder J.S. Rupal, Mr. Hardik Rupal,
Advocates and Professor Vinay Gupta for
University of Delhi.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.07.2020

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HEARD THROUGH VIDEO CONFERENCING

1. On 28.7.2020, we had directed the Delhi University (in short, 'DU') to file an affidavit, furnishing the following information:-

“3. Last opportunity is granted to the Delhi University to file an affidavit. The said affidavit shall also furnish the details of number of students who have participated in the mock test, the number of students who were unable to upload their answer sheets within the prescribed time and the number of complaints received from students regarding technical glitches faced by them during the mock test. It shall also be indicated as to how many students had opted for the facility of CSE Centres for the mock exam and how many actually used the facility. Details of the PWD category of students with a sub category of visually impaired students who had applied for participating in the online OBE and those who had participated in the mock test be also furnished in a tabulated form.”

2. Further, we had asked for information as set out in para 6 of the order, which is extracted below:-

“6. The court would also like to be informed that out of 2,75,000 students, who have submitted applications to participate in the online OBE proposed to be conducted by Delhi University in August, 2020, how many students have opted for a CSE Centre for downloading the question paper and uploading the answer sheets. Out of those students who have sought the facility of a CSE Centre, how many students are situated at remote places and whether the CSE Centres at the said locations are fully equipped.”

3. Pursuant to the aforesaid order, an additional affidavit has been filed by the University of Delhi and the CSE Academy. The Delhi University has reproduced a tabulated statement in para 2 (b) of its affidavit, which relates to the data collated for the first two days of the first phase of the Mock test conducted on 27.7.2020 to 29.7.2020, which is as follows:-

<i>27 and 28 July (Combined)</i>			
	<i>DU</i>	<i>SOL</i>	<i>Total (Regular +NCWEB+ SOL)</i>
<i>Total Registered</i>	<i>72614</i>	<i>109623</i>	<i>182237</i>
<i>Total Logged in Student</i>	<i>45412</i>	<i>24689</i>	<i>70101</i>
<i>Total Paper's Attempted</i>	<i>27393</i>	<i>11766</i>	<i>39159</i>
<i>Total Paper Submitted</i>	<i>16386</i>	<i>5986</i>	<i>22372</i>
<i>Total Upload Recorded</i>	<i>85530</i>	<i>24790</i>	<i>110320</i>
<i>PwD Students (All)</i>			
<i>Total Registered PwD</i>	<i>647</i>	<i>187</i>	<i>384</i>
<i>Total Logged in Student PwD</i>	<i>416</i>	<i>70</i>	<i>486</i>
<i>Total Paper's Attempted Pwd</i>	<i>227</i>	<i>34</i>	<i>261</i>
<i>Total Paper Submitted PwD</i>	<i>128</i>	<i>14</i>	<i>142</i>
<i>Total Uploads PwD</i>	<i>736</i>	<i>42</i>	<i>778</i>
<i>Only VH</i>			
<i>Registered Students VH</i>	<i>149</i>	<i>33</i>	<i>182</i>
<i>Paper Attempted VH</i>	<i>54</i>	<i>10</i>	<i>64</i>
<i>Paper Submitted</i>	<i>29</i>	<i>3</i>	<i>32</i>

4. Mr. Datta, learned Senior Advocate appearing for DU states that out of 2,43,823 students who have submitted their examination forms, 1,82,237 students have registered on the portal of the University during the first phase of the Mock test. Out of 1,82,237 student, only 74,180 students have logged

in and 39,159 students have attempted the question papers. The aforesaid figures reveal that 8% of the total number of students who had registered on the portal of the University have participated in the first phase of the Mock test. These figures are not very encouraging to say the least.

5. The data relating to students in the PWD category and the visually handicapped (VH) category are equally dismal. Mr. Datta, learned Senior Advocate states that the data in respect of the third day of the first phase of the Mock test i.e. for 29.7.2020, could not be collated due to paucity of time and if granted another opportunity then, not only will the collective data of the first phase of the Mock test be produced, the data of the second phase to be conducted from 1.8.2020 to 4.8.2020, shall also be produced in a tabulated form.

6. Due to paucity of time and to avoid any delay, the tabulated statements analogous to the one reproduced hereinabove shall be prepared separately for the first phase and the second phase of the Mock tests and placed on record before the next date of hearing.

7. Mr. Rungta, learned Senior Advocate appearing for the petitioner in W.P. (C) 3411/2020 states that about 189 students have requested DU to arrange scribes for them. Vide letter dated 03.07.2020, information was sought by the DU from all Colleges, Departments etc. relating to the name, course, semester, contact details, location, details of the material required and its cost to be incurred by the PWD students and the said information was duly furnished. Despite that, DU has not arranged reading material, assistive devices and scribes for them at the CSE Centres.

8. On the last date of hearing, it was the stand of DU that the CSE Academy is required to arrange scribes for VH students. However, Mr. Dinesh Tyagi, CEO of the CSE Academy is present in the hearing and he has categorically stated that it is not the duty of the CSE Academy to arrange a scribe at the CSE Centres. Quite clearly, it is the responsibility of the Delhi University to make scribes available for the VH students. Otherwise, the whole process of conducting the OBE online examinations for them would be reduced to a mockery.

9. We have been further informed by DU that about 60 visually impaired students have requested for scribes. Out of the said number, 58 have requested for scribes at their homes whereas 2 have requested for scribes at the CSE Centres. The aforesaid figures are at variance with the figures furnished by Mr. Rungta, learned Senior Advocate, who states that 107 students have made requests for scribes. We have been informed by Prof. Aneja that out of 400 VH students, information regarding 229 students was furnished to the Delhi University in response to the letter dated 03.07.2020. Out of 229 students, 101 students are based outside Delhi and the NCR region whereas, 94 students are in Delhi and 20 students reside within the NCR region. 14 students did not give any details of their location. This shows that DU has ample information available with it with regard to the requirement of scribes for VH students who are not based in Delhi. Mr. Rungta, learned Senior Advocate states that the letter dated 03.07.2020, issued by the University Delhi had also sought details about the requirement of assistive devices and reading material for the VH students and the said information should also be available with DU.

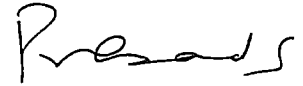
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10. On the next date of hearing, the Delhi University shall clarify the position with regard to arrangement of scribes at CSE Centres and elsewhere for the students in the VH category to enable them to participate in the online OBE.

11. List on 5.8.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

JULY 30, 2020

NA/rkb

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR

..... Petitioners

Through: Mr. Kapil Sibal, Sr. Advocate with
Mr. Nizam Pasha with
petitioners No.1 and 2 in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with
Mr. Ripudaman Bhardwaj, CGSC,
Mr. Kushagra and Mr. Sahaj, Advocates
for R-1 and R-2.
Mr. Apoorv Kurup and
Ms. Nidhi Mittal, Advocates for UGC.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

AND

✓ W.P.(C) 3411/2020, C.M. No. 12111/2020 (Stay)

NATIONAL FEDERATION OF THE BLIND

..... Petitioner

Through: Mr. S.K. Rungta, Sr. Advocate
in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Vivek Goyal, CGSC for
R-1 and R-4.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi
Mr. Apoorv Kurup and
Ms. Nidhi Mittal, Advocates for UGC.

AND

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W.P.(C) 4029/2020, C.M. Nos.14445/2020 and 15048/2020

KABIR SCHDEVA

..... Petitioner

Through: Mr. Manik Dogra, Mr. Dhruv Pande and
Mr. Randeep Sachdeva, Advocates

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for R-1/University of Delhi
Ms. Suparna Srivastava, CGSC with
Mr. Tushar Mathur, Advocate for R-2/UOI
Mr. Apoorv Kurup and Ms. Nidhi Mittal,,
Advocates for UGC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.08.2020

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HEARD THROUGH VIDEO CONFERENCING

1. Pursuant to the previous order dated 30.7.2020, an affidavit has been filed by the Registrar (Acting), University of Delhi, placing on record a tabulated statement of the first phase and second phase of the Mock tests conducted from 27.7.2020 to 29.7.2020 and from 01.8.2020 to 04.8.2020, respectively. On the last date, though it was submitted on behalf of the University that the data relating to the first phase of the Mock test will not give a correct picture and the second phase will throw a better light on the extent of participation, we may note that the data relating to the second phase of the Mock test is more abysmal than that of the first phase. We had reproduced the tabulated data of the first phase of the Mock test in the order dated 30.7.2020. The data relating to the second phase of the Mock test

is extracted herein below:-

2nd Phase
(As per data available till 06:45pm on 04.08.2020)

Mock Test Ph II (up to 06:45pm)	DU (UG+NCWEB+PG)				SOL				Total
	01-Aug	02-Aug	03-Aug	04-Aug	01-Aug	02-Aug	03-Aug	04-Aug	
Total Registered	75353				111461				1,86,814
Total Logged In Students	19530	8212	10004	6920	7800	9333	5081	8713	75593
Total Paper's Attempted	18248	4083	8316	2709	3408	6809	2328	5275	51176
Total Paper Submitted	9021	2085	3711	1306	1533	3001	1036	2000	23693
Total Upload Recorded	61471	12522	25764	8047	8542	16181	5580	10849	148956
Total Registered PwD	704				197				901
Total Logged in Student PwD	210	78	124	68	30	31	11	32	584
Total Paper's Attempted PwD	186	22	97	22	14	28	2	23	394
Total Paper Submitted PwD	98	11	39	16	9	17	1	11	202
Total Upload PwD	545	75	239	124	30	147	4	45	1209
Total Registered PwD (VH/VIS)	175				35				210
Total Logged in Student PwD (VH/VIS)	42	20	31	24	4	5	1	2	129
Total Paper's Attempted PwD (VH/VIS)	35	7	24	10	1	5	1	2	85
Total Paper Submitted PwD (VH/VIS)	18	4	7	8	1	3	1	0	42
Total Upload PwD	101	23	64	56	4	47	4	5	304

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2. A comparison of the data relating to the first phase of the Mock test *vis-a-vis* the second phase reveals that as against 1,83,376 students who had registered to participate in the OBE examination in the first phase, 1,86,814 students had registered themselves in the second phase. The total number of the students who had logged in during the first phase were 93,185 whereas, only 75,593 had logged in, in the second phase. The total number of papers attempted by the students in the first phase were 60,181 whereas, in the second phase, the total number of papers attempted were 51,176. The total number of papers submitted in the first phase were 33,162 whereas, in the second phase the total number of papers submitted were 23,693. Even for the PWD category students and VH students, the data of the second phase of the Mock test is no better than that of the first phase, if not worse. This is a clear indication that the final year students are not thoroughly prepared to participate in the OBE on-line mode of examination that the University of Delhi has proposed to conduct.

3. In an earlier hearing, Mr. Dutta, learned Sr. Advocate appearing for the University of Delhi had informed this Court that in the light of the order dated 17.6.2020 passed in WP(C) 3199/2020, such of the final year students in the PWD category, who for any reason are not in a position to participate in the OBE on-line examination, would have the option of taking the examination physically whenever it is conducted in the month of September. However, for the general category students, the rule is that if a student proceeds to download a question paper and attempts it through the on-line OBE mode, then he/she will not get an opportunity to sit for that paper when the examination is conducted physically.

4. In view of the difficulties that the students in the general category are

also likely to face while sitting for the on-line OBE, we are of the opinion that the option given to the PWD students as recorded above, should also be extended to the general category students. Learned Senior Advocate appearing for the University has readily agreed to the said suggestion. Accordingly, it is directed that all final year students who are not in a position to participate in the OBE examination, will have the option to sit physically for the exams later on, notwithstanding the fact that he/she had downloaded the question paper, but could not manage to upload or e-mail the answer sheet for any reason whatsoever. However, we do agree with Mr. Datta, Senior Advocate that if the answer sheet has been e-mailed or uploaded by a student in respect of any subject, then for that particular subject, the student will not be permitted to sit for the physical examination to be conducted soon. He/she can only better his/her result by taking the supplementary examinations, as and when they are conducted by the University.

5. On taking note of the data of the first and second phase of the Mock tests, we have next enquired from learned Sr. Advocate as to whether the only the manner of submitting the answer sheets in the OBE on-line mode would be by uploading the answer sheets on the website of the University of Delhi, to which the answer given is that the students would have two options, one is to upload the answer sheets and the other is to scan the answer sheets and e-mail them to the University, within the prescribed timeline.

6. Mr. Sibal and Mr. Rungta, learned Sr. Advocates have both stated that most of the students are not even aware about the two options mentioned above and it would only be appropriate, if the University is directed to e-mail the Notice/Circular issued in that regard to all the students for their

47.

information. Mr. Dutta, learned Sr. Advocate states on instructions that the said information has already been e-mailed to all the PWD students and the University has no objection to sending an e-mail relating to this information to all the students, who have registered with the University as their e-mail IDs are readily available. University of Delhi is directed to do the needful by tomorrow evening since the OBE online examinations are scheduled to commence on 10.8.2020.

7. Another aspect that this court has highlighted is that if the norms of social distancing are to be maintained and students ought not to visit the University and gather there in crowds for applying for and/or receiving their certificates after clearing the examinations, would the University be willing to e-mail the certificates to them with the digital signatures of the nominated officer affixed thereon. Mr. Dutta, learned Sr. Advocate states that this aspect can be examined and worked out and the University will ensure that the final year student can apply electronically for a certificate and their certificates are digitally signed and mailed to them within a reasonable time. The timeline for issuing the said certificates shall be indicated by the University of Delhi on the next date of hearing.

8. At this stage, Mr. Rungta, learned Sr. Advocate states that the aspect of supplying assistive devices and the prescribed course material/text books for the VH students has not been resolved so far. He states that most of the VH students may not even be in a position to participate in the OBE on-line mode of the examination and they would prefer to wait for the University of Delhi to conduct the final year examinations physically, as they do not have the required facilities. In such circumstances, the aspect of providing scribes to the PWD and VH category of students does not need to detain this court any

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further. At the same time, it is made clear that such of the PWD/VH students who have made a request for scribes at the CSC Centres, shall be provided one by the University. The aforesaid direction is being issued in the light of the statement made by the CSC Academy and the Ministry of IT on the last date of hearing that they are not responsible for providing scribes to such students at the CSC Centres and it is for the University of Delhi to make adequate arrangements. University of Delhi shall ensure that no PWD/VH students is deprived of a scribe at the CSC Centres if they have opted for going there to participate in the on-line OBE mode of examination and have intimated the University of their decision in advance. It is for the University to provide scribes to the PWD/VH students directly or with the assistance of the Ministry/CSC Centres, as may be feasible.

9. Mr. Rungta, learned Sr. Advocate has very gracefully taken on himself the responsibility of providing assistive devices to those VH students who need one, subject to the same being returned to him to at the end of the examinations. He however states that at least some of the prescribed case material/text books that form a part of the syllabi for different subjects of the final year students be furnished to the VH students by the University in this extraordinary situation, where most of them have had to leave the University campus and go back to their native places and do not have any support system in place there. He hastens to clarify that those VH students will not be in a position to participate in the OBE on-line mode of examination which shall commence on 10.8.2020 and they will be doing so only when the examinations are conducted physically by the University.

10. That being the position, last opportunity of one week is granted to the VH students who wish to sit for the examination physically, to send an e-mail

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to the Dean (Examinations) to provide them the prescribed reading material/text books of various subjects in an accessible form. Upon receiving such a request, the University through its colleges/institutions and any other Agency shall make available at least two prescribed text books/reading material in accessible form in respect of each paper to the concerned students within three weeks from the date of receiving such a request.

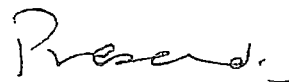
11. It has also been stated on behalf of the University of Delhi that those students who shall participate in the online OBE examination and wish to secure admission in a PG course offered by the University, will be granted provisional admission subject to their clearing the entrance examination prescribed for the said course. The University is bound down to the said statement.

12. As it is stated on behalf of the University of Delhi that more time would be needed to revert back with the exact date by which the results of the final year students who propose to sit in the online OBE examination will be declared, they are granted 10 days to file an affidavit clarifying the aforesaid position. It shall also be stated as to how many students had actually logged in to participate in the online OBE examination and the assessment of the number of students who will take the examination physically at a later date, to be indicated by the University.

13. List on 17.08.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

AUGUST 05, 2020/ap/a

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§-4, 5 & 6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR

..... Petitioners

Through: Mr. Nizam Pasha with petitioners No.1
and 2 in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with
Mr. Ripudaman Bhardwaj, CGSC,
Kushagra Bansal, Mr. R.V. Prabhat, Mr. Amit
Gupta and Mr. Sahaj Garg, Advocates for R-1 and
R-2.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,,
Advocates for UGC.

Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

Mr. B.B. Gupta, Sr. Advocate, Member of the
Grievance Committee.

AND

W.P.(C) 3411/2020, C.M. No. 12111/2020 (stay)

NATIONAL FEDERATION OF THE BLIND

..... Petitioner

Through: Mr. S.K. Rungta, Sr. Advocate in
person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Vivek Goyal, CGSC for R-1 and
R-4.

Mr. Sachin Datta, Senior Advocate with

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Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.
Mr. B.B. Gupta, Sr. Advocate, Chairman of the
Grievance Committee.

AND

W.P.(C) 4029/2020, C.M. Nos.14445/2020 and 15048/2020

KABIR SCHDEVA

..... Petitioner

Through: Mr. Manik Dogra, Mr. Dhruv Pande and
Mr. Randeep Sachdeva, Advocates

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for R-1/University of Delhi
Mr. Amir Singh Pasrich, Advocate for intervener
in C.M. No.15048/2020
Ms. Suparna Srivastava, CGSC with
Mr. Tushar Mathur, Advocate for R-2/IOI
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.
Mr. B.B. Gupta, Sr. Advocate, Chairman of the
Grievance Committee.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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17.08.2020

HEARD THROUGH VIDEO CONFERENCING

1. Pursuant to the order dated 05.08.2020, an additional affidavit has

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been e-mailed to this court by Mr. Rupal, learned counsel appearing for the Delhi University through the Court Master only this morning, signed by the Registrar (Acting), University of Delhi, setting out *inter alia*, the related data of students who have appeared in the OBE mode of examinations that had commenced on 10.08.2020.

2. Mr. Sachin Dutta, learned Senior Advocate appearing for the Delhi University submits that on the very first date, i.e., on 10.08.2020, as against 79,438 students who had registered with the University to sit for the online OBE examination, 38,058 students were expected to take the examination and 36,663 students had actually participated in the examination and 33,957 students had attempted the papers. Similarly, the SOL students registered in the system were 1,35,341 and out of the said number, the students expected to sit for the examination on 10.08.2020, were 24,794. The students who had actually attempted the paper were 14,620 and the number of students who submitted their answer-sheets were 10,803. The total number of students who had registered in the system in the PWD category were 769. The number of students who had registered for taking the examination on that date were 358. Out of 358 students, 308 had attempted the paper and 258 had submitted their answer-sheets.

3. On 11.08.2020, the total number of students who had registered in the system increased to 79,575. The total number of students who were expected to take the examination on that date were 37,989. The students who had actually attempted the paper were 32,071 and those who submitted their papers were 26,314. Similarly, the SOL students registered in the system were 1,38,366 and out of the said number, the students expected to sit for the examination on 11.08.2020, were 81,046. The students who had actually

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attempted the paper were 50,358 and the number of students who submitted their answer-sheets were 42,653. The total number of students who had registered in the system in the PWD category were 778. The number of students who had registered for taking the examination on that date were 336. Out of 336 students, 276 had attempted the paper and 231 had submitted their answer-sheets.

4. On 12.08.2020, the total number of students who had registered in the system had increased to 79,605. The total number of students who were expected to take the examination on that date were 380. The students who had actually attempted the paper were 49 and those who submitted their papers were 35. The total students who had registered in the system in the PWD category were 779. The students who actually attempted the paper were 2 and both of them have submitted their papers.

5. On 13.08.2020, the total number of students who had registered in the system increased to 79,824. The total number of students who were expected to take the examination on that date were 48,220. The students who had actually attempted the paper were 45,637 and those who submitted their papers were 40,366. Similarly, the SOL students registered in the system were 1,44,958 and out of the said number, the students expected to sit for the examination on 13.08.2020, were 98,825. The students who had actually attempted the paper were 79,534 and the number of students who submitted their answer-sheets were 63,227. The total number of students who had registered in the system in the PWD category were 294. The number of students who had registered for taking the examination on that date were 177. Out of 177 students, 160 had attempted the paper and 145 had submitted their answer-sheets.

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6. On 14.08.2020, the total number of students who had registered in the system increased to 79,922. The total number of students who were expected to take the examination on that date were 38,785. The students who had actually attempted the paper were 32,520 and those who submitted their papers were 31,515. Similarly, the SOL students registered in the system were 1,46,479 and out of the said number, the students expected to sit for the examination on 14.08.2020, were 1,13,432. The students who had actually attempted the paper were 74,473 and the number of students who submitted their answer-sheets were 61,235. The total number of students who had registered in the system in the PWD category were 785. The number of students who had registered for taking the examination on that date were 340. Out of 340 students, 293 had attempted the paper and 256 had submitted their answer-sheets.

7. Mr. Sachin Dutta, learned Senior Advocate appearing for the Delhi University points out that the aforesaid figures do not factor in those students who have e-mailed their answer-sheets and the data relating to the said students is still being collated. After collating the figures by including the answer scripts of those students who have sent the same by e-mail, the same be furnished in a tabulated form alongwith a fresh affidavit.

8. We have enquired from Mr. Dutta, Senior Advocate as to the date when the examinations will be conducted physically for those students who have not opted for the online mode of OBE examination. Learned Senior Advocate states that as per his instructions, the University will commence the physical examinations only after 20.09.2020. We are of the opinion that the aforesaid timeline is quite unreasonable, particularly since earlier hereto, the University had stated that only when they see as to how many students

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actually participate in the online mode of examination, would they have an idea as to the number of left over students. By now, the on-line OBE mode of examinations have been conducted for an entire week. There should have been enough data thrown up for the University to analyse the number of students who intend to sit for the examination physically, in September, 2020.

9. We are of the opinion that the University should expedite conducting physical examinations so that the entire process can be over at the earliest. Though we are informed that at least two weeks are required after the on-line examinations are over on 31.08.2020, for the University to gear up, we are of the opinion that physical examinations should commence by 08.09.2020. However, since Mr. Sachin Dutta, Senior Advocate pleads that that would be too shorter a time and there is immense pressure on the available manpower, Delhi University is directed to commence the physical examinations by 14.09.2020. Learned counsel states that as of now, he is not in a position to indicate the end date of the physical examination. The end date shall be placed on record in the affidavit to be filed by the Delhi University.

10. At this stage, Mr. Prateek Sharma, petitioner No.1 in WP(C) No. 3199/2020 states that what to say about declaring the results of the sixth semester, students studying in the Law Faculty, Delhi University have not been issued their mark-sheets for the fifth semester examinations which took place in December 2019. In the course of arguments Mr. Rupal, learned counsel for the Delhi University has obtained instructions to the effect that Delhi University has forwarded the mark-sheets of the fifth semester-students to the Faculty of Law very recently. Mr. Sharma states that the

said students have not been able to obtain the mark-sheets because the Administrative Block of the Faculty of Law has not been functioning and students who wish to join any post-graduate course, will not be able to forward their fifth semester marksheets to the concerned Universities. To obviate the aforesaid problem, Delhi University is directed to digitally forward the results of the fifth semester exams to all the law students, at the earliest.

11. Coming to the information furnished by the Grievance Redressal Committee constituted by the learned Single Judge in WP(C) 3946/2020, Mr. B.B.Gupta, learned Senior Advocate, who has been nominated as a member of the said Committee and is present in the hearing submits that immediately after this court had passed an order in LPA 203/2020, on 14.08.2020 reconstituting the Grievance Redressal Committee, the Chairperson of the Committee had called for a meeting in the morning hours of 15.08.2020, but no data relating to the grievances of the students was furnished to the Committee. After much back and forth between the members of the Committee and the University as also Mr. Rupal, learned counsel for the University, the password of the data has been physically delivered at the residence of the Chairperson only this morning, at 11.50 am.

12. We are rather disappointed to hear that the Committee has not been able to function from 07.08.2020, till date. By now, at least one week of the on-line examinations is also over. If it is the stand of the University that hardly any grievances have been received from the students, it is all the more necessary that the complaints received and stated to have been satisfactorily addressed by the Grievance Officer in terms of the averments made in para 14 of the affidavit, be placed before the Grievance Redressal

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Committee. Mr. B.B. Gupta, learned Senior Advocate has also stated that the Committee has not been apprised of the e-mail and mobile number of the Grievance Officer. Mr. Rupal has been directed to furnish the name and details of the said officer directly to Mr. B.B. Gupta, learned Senior Advocate for being placed before the Committee. Mr. Rupal has confirmed that said information has been furnished to him during the course of arguments.

13. Mr. Manik Dogra, learned counsel for the petitioner in WP(C) 4029/2020 and Mr. Amir Singh Pasrich, learned counsel for the applicant/intervener in the captioned petition (CM 15048/2020) submit that though UGC has extended the timeline for conducting the final year examinations to the end of September 2020, it has not issued any Advisory to the Central Universities for accommodating those students whose examinations are likely to be concluded by the end of September, 2020. As a result, their academic careers may be jeopardised as they are expected to furnish the provisional Certificates to the concerned Universities by the first week of September 2020. UGC shall take steps at the earliest to issue a fresh Advisory in this regard to all the Central Universities.

14. The other grievance of Mr. Pasrich, learned counsel that those students who have secured admission in foreign Universities also find themselves in a bind in the absence of any provisional certificate, can be addressed by the Delhi University itself by issuing a letter to the concerned foreign Universities, explaining the circumstances in which the examinations of the final year students have had to be postponed so that the concerned students can get a sufficient buffer period to furnish their provisional certificates to the Universities in question. Delhi University is

directed to create a separate e-mail ID where students can e-mail their requests alongwith the details of the foreign University in question where they have secured provisional admission so that a request letter can be addressed directly by the Delhi University to the concerned foreign University. The new e-mail ID shall be created within one week and information in this regard shall be publicised on the website of the Delhi University, duly copied to all the colleges. The students will furnish the necessary details relating to their admission, their e-mail ID, the e-mail IDs of the concerned foreign University and the designation of the official to whom such a request letter is required to be served. In the affidavit to be filed by the Delhi University, it shall indicate the cut-off date by which the results will be declared for all streams of final year courses.

15. Mr. Rungta, learned Senior Advocate appearing for the petitioner in W.P. (C) No. 3411/2020 states that the leftover students in the PWD category, particularly the VH category and those students in the above category who propose to sit for the physical examinations even though they may have sat for the online OBE examination, would face great hardship as the University hostels are all shut down and they have to travel to Delhi to sit physically for the examinations. There will be challenges relating to their transportation as also their place of stay in Delhi. Delhi University is directed to verify the number of leftover PWD category students and students in the said category who would wish to sit for the physical examination again though they may have taken the online OBE mode of examination, for arriving at an assessment and for working out the modalities of a place of stay and transportation from where they are presently staying to Delhi, to sit for the physical examinations. Details of

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preparation in this regard shall be furnished by the Delhi University, on an affidavit to be filed separately in W.P. (C) No. 3411/2020, on or before 2.9.2020. Ministry of HRD, UOI shall also address this problem and come up with some practical solutions by filing a separate affidavit, on or before 2.9.2020.

16 List W.P. (C) Nos.3199/2020 and W.P. (C) 4029/2020 on 27.8.2020.

17. List W.P. (C) No.3411/2020 on 3.9.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

AUGUST 17, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR Petitioners
Through: petitioners No.1 and 2 in person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Chetan Sharma, ASG with
Mr. Ripudaman Bhardwaj, CGSC,
Kushagra Bansal, Mr. R.V. Prabhat, Mr. Amit
Gupta, Mr. Sahaj Garg and Mr. Anish Roy
Advocates for R-1 and R-2.
Mr. Apoorv Kurup and Ms. Nidhi Mittal,,
Advocates for UGC.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

AND

✓ W.P.(C) 3411/2020, C.M. No. 12111/2020 (stay)

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Sr. Advocate in
person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Vivek Goyal, CGSC for R-1 and
R-4.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

AND

W.P.(C) 4029/2020, C.M. Nos.14445/2020 and 15048/2020

KABIR SCHDEVA

..... Petitioner

Through: Mr. Manik Dogra, Mr. Dhruv Pande and
Mr. Randeep Sachdeva, Advocates

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for R-1/University of Delhi
Mr. Amir Singh Pasrich and Mr. Amit Ranjan
Singh, Advocates for intervener in C.M.
No.15048/2020

Ms. Suparna Srivastava, CGSC with
Mr. Tushar Mathur, Advocate for R-2/UOI
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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18.08.2020

HEARD THROUGH VIDEO CONFERENCING

1. The present petitions were listed before this Bench just yesterday and a detailed order was passed after examining the affidavit filed by the Delhi University. One of the directions issued to the Delhi University was in the context of those final year students who would have obtained admission to postgraduate courses in foreign Universities and the Delhi University was directed that if their results are not declared in time, the students are likely to suffer irreparable loss. Therefore, instead of the students writing individually to the concerned foreign University seeking further time for furnishing a

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provisional certificate, the Delhi University ought to e-mail such a request to the concerned University on behalf of the student in question as it would carry more weight. Towards that purpose, Delhi University was directed to create a separate e-mail address and publicize the same at the earliest so that the students can furnish the necessary details regarding their admissions to the concerned Universities including the e-mail addresses of the Universities and the designation of the official to whom such a request letter would be addressed.

2. At that stage, Delhi University did not bring to the notice of this Court the observations made by the learned Single Judge in the order dated 7.7.2020, passed in **W.P. (C) No.3946/2020** entitled Anupam & Ors. Vs. University of Delhi & Ors. The said order came to our notice late last evening. What is relevant for our consideration is para 13 of the said order, which has recorded as follows:-

"13. In so far as undergraduate courses are concerned, where students may obtain admission to post graduate courses in foreign universities, students may write an e-mail to the Dean (Examinations) informing him of the said admissions, in which case, efforts would be made to expedite the results of such courses. The said e-mails may be sent by the earliest at dean_exam@du.ac.in."

3. On perusing the aforesaid order, it was deemed appropriate to direct the Registry to list these matters today only to enquire from learned counsel for the Delhi University as to why were the aforesaid directions not brought to our notice yesterday.

4. Mr. Sachin Datta, learned Senior Advocate appearing alongwith Mr.

Rupal, learned counsel for the Delhi University concedes that there was an error on their part in not pointing out the directions issued in para 13 of the order dated 7.7.2020 passed by the learned Single Judge, as extracted hereinabove. They state that the aforesaid error is *bona fide* and that they shall abide by the directions issued in para 13 of the order dated 7.7.2020. In other words, Delhi University shall make efforts to expedite the result of such courses for students who have obtained admissions in postgraduate courses in foreign universities.

5. The aforesaid direction when read in conjunction with the direction issued by this Court yesterday, would mean that not only will Delhi University make efforts to expedite the results of the final year students studying in courses where they may have obtained admissions to postgraduate courses in foreign universities, it shall also create a separate e-mail ID to enable students to submit their requests and relevant details of the foreign University in question for the Delhi University to send a request letter for granting provisional admission to the concerned student with an assurance that the results would be communicated at the earliest.

6. This order shall be read as a part and parcel of the order passed on 17.8.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

AUGUST 18, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR Petitioners
Through: Petitioners No.1 and 2 in person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Chetan Sharma, ASG with Mr. Ripudaman Bhardwaj, CGSC, Mr. Kushagra Bansal and Mr. Sahaj Garg, Advocates for R-1 and R-2.
Mr. Apoorv Kurup and Ms. Nidhi Mittal, Advocates for UGC.
Mr. Sachin Datta, Senior Advocate with Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for University of Delhi

AND

W.P.(C) 4029/2020, C.M. Nos.14445/2020 and 15048/2020

KABIR SCHDEVA Petitioner
Through: Mr. Manik Dogra, Mr. Dhruv Pande and Mr. Randeep Sachdeva, Advocates

versus

UNIVERSITY OF DELHI AND ORS. Respondents
Through: Mr. Sachin Datta, Senior Advocate with Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for R-1/University of Delhi
Mr. Amir Singh Pasrich and Mr. Amit Ranjan Singh, Advocates for intervener in C.M. No.15048/2020
Mr. Apoorv Kurup and Ms. Nidhi Mittal, Advocates for UGC.

AND

W.P.(C) 4002/2020 & C.M. No. 14376/2020 (stay)

AKSHAY LAKRA & ORS

..... Petitioners

Through: Mr. Harpreet Singh Hora and
Mr. Pardeep Kr. Naagar, Advocates.

versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate
with Mr. Mohinder J.S. Rupal and Mr. Hardik
Rupal, Advocates for R-1/University of Delhi
Mr. Virender Pratap Singh Charak, Ms. Shubra
Parashar, Mr. Pushpendr Singh Charak, Mr. Kapil
Gaur, Mr. Vaishnav Kirti Singh, Ms. Deepa Malik,
Mr. Sanjay Singh Chauhan and Mr. Ram Pal Singh
Tomar, Advocates for UOI.
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

AND

W.P.(C) 4577/2020 & C.M. No.16527/2020 (stay)

MANDEEP SINGH & ORS

..... Petitioners

Through: Mr. Harpreet Singh Hora and
Mr. Pardeep Kr. Naagar, Advocates.

versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate
with Mr. Mohinder J.S. Rupal and Mr. Hardik
Rupal, Advocates for R-1/University of Delhi
Mr. Avnish Singh, Sr. Panel Counsel for R-3/UOI.
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.

CC

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
% **27.08.2020**

HEARD THROUGH VIDEO CONFERENCING

1. On the last date of hearing, the Delhi University was directed to file an affidavit indicating *inter alia*, the cut-off date by which the results would be declared for all streams of the final year courses. Delhi University was also directed to create a separate e-mail ID where students who have got admission in Foreign Universities can e-mail their requests alongwith the relevant details so that Delhi University, can directly address e-mails to the concerned foreign universities to accommodate the students in the absence of a provisional certificate. Further, in the light of submission made by Mr. Rungta, learned Senior Advocate appearing in the connected writ petition [W.P. (C) 3411/2020] that the leftover students in the PWD category particularly the VH category who propose to sit for the physical examination later on would face great hardship as the University hostels are shut down and they will have to travel to Delhi to sit physically in examinations proposed to be conducted, the Ministry of HRD was directed to come up with practical solutions by filing a separate affidavit.
2. Delhi University in its affidavit has given the details of the students including the PWD category, who have participated in the online OBE mode of examination for the different UG and PG courses. On a perusal of the tabulated data, it transpires that out of a total 82,852 students in the regular category, 80139 students had registered themselves. Out of 80,139 students,

71,103 students have submitted their papers through the web portal of Delhi University and 7,975 students have submitted their papers through e-mail. This would mean that approximately 3,500 students are still in the leftover category.

3. Coming next to the PWD category students, out of a total of 1011 students, 795 students have registered themselves and 647 students have submitted their answers through the web portal of the Delhi University. However, the figures relating to the PWD students who had submitted their answer sheets through e-mail, has not been furnished. Mr. Dutta, learned Senior Advocate states that due to paucity of time, the said figure is not readily available. He assures the court that the same shall be furnished on the next of hearing.

4. Mr. Rungta, learned Senior Advocate appearing for the petitioners in connected writ petition states that as per the information gathered by him, there are approximately 222 students in the VH category who are leftover. Mr. Datta, Senior Advocate submits that 782 students are leftover in the Post Graduate category including the LLB course.

5. Coming next to the students who are enrolled with the School of Open Learning, out of 1,70,825 students, 1,51,970 students had registered themselves and 1,26,004 students have submitted their papers. In the PWD category of the SOL students, out of 492 students, 319 had registered themselves and 276 students have submitted their papers. The number of VH category students who have submitted their papers has not been indicated separately.

6. Mr. Datta, Senior Advocate submits that encouraged by the aforesaid data, Delhi University has decided that the leftover students shall be

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permitted to register themselves by 8.9.2020 for the examination in the second round that shall commence on 14.9.2020 and end by the first week of October, 2020. For the said purpose, the proposal is to conduct the examination through e-mail and physically. On enquiring from learned Senior Advocate as to the date by which the results would be declared, he states that it has been submitted earlier, that it will take up to the end of October, 2020 for the results to be declared and that too, if all things go well. We have been informed that ordinarily, it takes 85 days from the date the examinations conclude to declare the results, but this time, period is being restricted to 60 days. Enclosed with the additional affidavit is the draft Notification prepared by the Examination Branch of the Delhi University for submission of examination forms by the leftover students wherein the last date for submission has been mentioned as 08.09.2020. It is stated on behalf of the University that the facilities that were earlier available, will be provided for the physical mode of examination.

7. In view of the submission made by Mr. Rungta, Senior Advocate that about 65% to 70 % students in the PH category are staying at remote places in the States of Bihar, Chhattisgarh and eastern UP and they are not in a position to make arrangement for travelling to Delhi and that adequate arrangements for their boarding and lodging shall also have to be made in Delhi, it is imperative to identify such students at the earliest.

8. In view of the above, Delhi University is directed to add a para in the Notification informing the PWD category students, including the VH category who are residing at remote places and propose to travel to Delhi by train for sitting in the examination physically or through the online mode with the assistance of scribes, to indicate their preference in a column to be

provided in the examination form, preferably before 04.09.2020. Further, those students who have not received their case material in terms of the orders dated 17.6.2020 and 05.08.2020, shall be at liberty to e-mail their grievance to the Grievance Officer or the Grievance Redressal Committee constituted in this regard so that the same can be addressed at the earliest. The Grievance Officer and the Grievance Redressal Committee shall continue to function till the examination of the left over students is concluded.

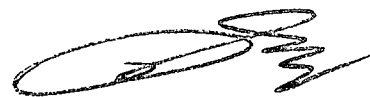
9. It is deemed appropriate to direct the Ministry of HRD and the Ministry of Social Empowerment to collectively approach the Ministry of Railways with a request to make arrangements for the PWD students of Delhi University staying at distant States like Bihar, Chhattisgarh and eastern UP to travel to Delhi by train for sitting in the examination either physically or through online mode. The Ministry of Railway shall consider the feasibility of issuing subsidised tickets and arranging for confirmed tickets for such students to Delhi at the earliest and at least five days before the examinations that are to commence on 14.09.2020. Affidavits on the steps proposed to be taken by the Ministry of Social Welfare, the Ministry of HRD and the Ministry of Railways shall be filed separately before the next date. We may note that Mr. Rungta, Senior Advocate has graciously offered to make arrangements for the boarding and lodging of the VH students, who propose to travel to Delhi to sit for the examination.

10. As the Ministry of Railways is not represented today, Mr. Ripudaman Bhardwaj, learned Central Government Standing Counsel shall obtain necessary instructions. He states that the Ministry of Railways has a separate panel and he is not authorized to appear on its behalf. This order

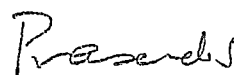
shall be conveyed by tomorrow to Mr. Jagjeet Singh, Standing Counsel, Ministry of Railways as also to the Secretary, Ministry of Railways for perusal and compliance.

11. Coming next to the directions that were issued to the UGC, Mr. Kurup, learned counsel for the UGC submits that the issue flagged in para No. 13 of the order passed on 17.08.2020, is being addressed by the UGC and the solution shall be placed before the court very soon. An affidavit in this regard shall be filed by the UGC before the next date.

12. List on 01.09.2020, to await the affidavits of the Delhi University and UGC as also the Status Reports of the Ministry of Social Welfare, Ministry of HRD and Ministry of Railways. It is further directed that date of hearing fixed in W.P. (C) No.3411/2020, is advanced to 01.09.2020 due to the urgency in the matter. The Registry shall list the said petition along with the present petition on the above date.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

AUGUST 27, 2020
A/NA/HSK

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020

PRATEEK SHARMA AND ANR Petitioners
Through: Petitioners No.1 and 2 in person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Ripudaman Bhardwaj, CGSC,
Mr. Kushagra Bansal and Mr. Sahaj Garg,
Advocates for R-1 and R-2.
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocates for UGC.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi.

AND

+ / W.P.(C) 3411/2020 & C.M.No.12111/2020

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S.K. Rungta, Senior Advocate in
person with Mr. Sumit Pargal, Advocates

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Vivek goyal, CGSC,
respondents No.1 & 4.
Mr. Apoorv Kurup and Ms. Nidhi Mittal,
Advocate for UGC.
Sachin Datta, Senior Advocate with Mr.
Mohinder J.S. Rupal, Mr. Hardik Rupal,
Advocates

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CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
% **01.09.2020**

HEARD THROUGH VIDEO CONFERENCING

1. An additional affidavit has been filed by the Registrar (Acting), University of Delhi in compliance with the order dated 27.08.2020. The said affidavit states that the e-mail ID created by the University for students seeking admission to foreign Universities, has been made operational and students who propose to travel abroad, are at liberty to send an e-mail to the said e-mail ID which shall be processed by the University in terms of the earlier orders passed by this court.
2. In para 5 of the affidavit, a tabulated data of students under the Persons with Disabilities (in short 'PwD') category including the visually-impaired category registered with Colleges and NCWEB who have appeared in the first phase of the Open Book Examination (in short 'OBE') mode for under-graduate and post-graduate courses and submitted their answer scripts through the web portal of the University or through e-mail, has been reproduced. As per the said tabulated statement, out of a total of 1,011 students, 798 students in the PwD category had registered themselves and 653 students have submitted their answer sheets through the OBE portal and 116 students have e-mailed their answer sheets. In the visually-impaired category, out of a total of 369 students, 221 had registered themselves and 159 have submitted their answer papers through OBE portal and 48 have e-mailed their answer sheets.

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3. In para 6, a tabulated data of the students in the PwD category including visually-impaired students registered with the School of Open Learning, who had appeared in the first phase of the OBE mode of examination, has been reproduced. As per the said tabulated statement, out of a total of 492 students in the PwD category, 321 had registered themselves and 218 had submitted their answer sheets through the OBE portal, while 35 had e-mailed their answer sheets. In the visually-impaired category, out of a total 198 students, 79 students had registered themselves and 65 students had submitted their answer sheets through the OBE portal while 10 students had e-mailed the same.
4. Mr. Dutta, learned Senior Advocate appearing for the Delhi University states that fresh applications for the second phase of the examination have been invited starting from yesterday and till now, 326 applications have been received across all categories. The University expects at least 1,500 students across all categories to appear in the second phase of the examination, for which they can register till 08.09.2020. He further submits that the PwD students including those who are visually-impaired have the option of sitting in the second phase of the examination proposed to be conducted in a blended mode by the University, even for purposes of improving their marks.
5. Mr. Rungta, learned Senior Advocate appearing for the petitioner in W.P.(C) 3411/2020 submits that as per the information gathered by him, about 111 applications from visually handicapped (VH) students are likely to be received by the University and his office alone has filled up 50 applications for VH students who propose to sit in the second phase of the examination.

6. Mr. Prateek Sharma, petitioner in W.P.(C) 3199/2020 states that the University of Delhi has still not uploaded the mark sheets for the 5th semester results of the LLB students, though they had promised to do so on the last date. Mr. Rupal, learned counsel for the University of Delhi states that it will take three more days for the mark sheets to be uploaded on the website of the University.
7. As for the issue flagged by this court on 05.08.2020, relating to online declaration of the results of all the final year students in the UG and PG courses and issuance of digital certificates, it is stated by Mr. Datta, learned Senior Advocate appearing for the University of Delhi that a system is already in place and the same shall be followed not only for declaring the results online, but for issuing the mark sheets and the certificates digitally to all the students, to avoid any crowding in the University.
8. Coming next to the UGC, Mr. Kurup, learned counsel for the UGC states that in compliance of the last order passed by this court, UGC has issued an Advisory on 31.08.2020, which applies not only to the Central University but to State Universities as well and it has been clarified that provisional admissions will be permitted by the concerned Universities even after 30.09.2020 till the revised Academic Calendar is declared. He also clarifies on instructions that the relevant documents of the qualifying examination of the concerned students can be accepted by the Universities even after 30.09.2020, as the same is in extension of the earlier Advisory dated 29.04.2020, issued by the UGC.
9. Coming to the timeline within which the results of the examination shall be declared, now that the court has been informed that more than 90% of the final year students have already participated in the first phase of the

examination, we have enquired from Mr. Datta, Senior Advocate as to whether the said timeline can be further tightened. He submits that efforts will be made in that direction but he is not in position to make a categorical statement that the timeline would be advanced to a date prior to the last week of October, 2020, as of now. He submits that the picture will be more clear after 08.09.2020, the last date by which all applications of the leftover students and the PwD students shall be submitted to the University.

10. On a point being raised by Mr. Rungta, learned Sr. Advocate as to whether the dispensation specified by the University of Delhi in the first phase of the examination *qua* the PwD category of students would also apply in the second phase of the examination, Mr. Datta, learned Sr. Advocate clarifies on instructions that all the dispensations and the exceptions that were made by the University of Delhi in the first phase of the examination, shall apply with equal force to the second phase of the examinations.

11. This leaves the issue relating to the arrangement for rail travel for the final year PwD category student including the VH students sitting in the second phase of the examination, who are presently residing in far-off States, including Bihar, Chattisgarh, eastern U.P., Orissa, etc. Ministry of Railways has filed an affidavit stating *inter alia* that the Indian Railways is already providing concession to several categories of persons with disability as detailed in para 5 which includes persons with visual impairment, speech impairment, those who are orthopedically handicapped etc. Mr. Jagjit Singh, learned counsel for the Railways states that the procedure for availing of the concession has been set out in para 6 of the affidavit. It has been averred that in view of the limited number of trains that are being run by the

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Indian Railways, efforts shall be made to facilitate the PwD category of students who are required to travel to Delhi, for participating in the second phase of the examination, by providing them berth/seats under emergency quota for which they have to book a ticket in the wait-list and inform the Railways at least two days in advance. It is further stated that for confirmation of tickets under the emergency quota, arrangements may be required to be made by any organisation working for the welfare of the PwD students.

12. It is agreed that Mr. Rungta, Senior Advocate will provide a list of the students in the PwD category including VH category who propose to travel by train from far-off States to Delhi, to Mr. Jagjit Singh, Advocate so that adequate arrangements can be made for them by issuing confirmed tickets from the emergency quota. Ministry of Railways shall ensure that all the PwD categories students, who require to travel to Delhi for purposes of sitting in the second phase of the examination, are extended necessary assistance to confirm the tickets under the waitlist, so that they do not miss the opportunity of sitting for the examinations. Mr. Jagjit Singh, learned counsel is requested to personally intervene and render all necessary assistance in the event, Mr. Rungta, learned Sr. Advocate points out any difficulty that may be faced by any of the students.

13. A fresh affidavit shall be filed by the University of Delhi on or before 21.9.2020, indicating *inter alia* the number of left over students, who have registered and participated in the second phase of the examination, on a category wise basis as also the cut-off date by which the results of the first and second phases of the examinations will be declared.

14. As the physical examinations for the second phase are going to commence on 14.9.2020, list on 22.9.2020.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

SEPTEMBER 01, 2020

hsk/pst/ap

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3411/2020 & CM 12111/2020(stay)
NATIONAL FEDERATION OF THE BLIND Petitioner
Through: Mr. S K Rungta, Senior Advocate with
Mr. Sumit Pargal

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder JS Rupal and Hardik Rupal, Advocates
for University of Delhi
Mr. Vivek Goyal, CGSC for R-1 & R-4/UOI

ORDER

22.09.2020

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HEARD THROUGH VIDEO CONFERENCING

1. The Hon'ble Division Bench (comprising HMJ Hima Kohli and HMJ Subramonium Prasad) could not assemble today.
2. List on 23.09.2020.

BY ORDER



COURT MASTER

SEPTEMBER 22, 2020

hsk

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IN THE HIGH COURT OF DELHI AT NEW DELHI**W.P.(C) 3411/2020 & CM 12111/2020(stay)****NATIONAL FEDERATION OF THE BLIND**

..... Petitioner

Through: Mr. S K Rungta, Senior Advocate with
Mr. Sumit Pargal

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder JS Rupal and Hardik Rupal, Advocates
for University of Delhi
Mr. Vivek Goyal, CGSC for R-1 & R-4/UOI
Mr. Apoorv Kurup and Ms. Nidhi Mittal, Advocates
for R-3/UGC**CORAM:****HON'BLE MS. JUSTICE HIMA KOHLI****HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD****ORDER**

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23.09.2020**HEARD THROUGH VIDEO CONFERENCING**

List on 01.10.2020 alongwith W.P. (C) 3199/2020.

**HIMA KOHLI, J****SUBRAMONIUM PRASAD, J****SEPTEMBER 23, 2020**

hsk

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3411/2020 and C.M. No. 12111/2020

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr. Santosh Kumar Rungta, (Sr.
Advocate) in person with Mr. Sumit Pargal,
Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Apoorv Kurup, Advocate for UGC.
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for University of Delhi

ORDER

% **01.10.2020**

HEARD THROUGH VIDEO CONFERENCING

1. Hon'ble Division Bench has not assembled today.
2. List on 06.10.2020.

By Order

h g m a
(Court Master)

OCTOBER 1, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3411/2020 and CM No.12111/2020 (stay)

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr.Santosh K.Rungta, Sr.Advocate
with Mr.Sumit Pargal, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr.Vivek Goyal, CGSC for R1 and
R4.

Mr.Sachin Datta, Sr.Advocate with
Mr.Mohinder JS Rupal and Mr.Hardik Rupal,
Advocates for DU.

Mr.Apporv Kurup and Ms.Vartika Mishra,
Advocates for UGC.

ORDER

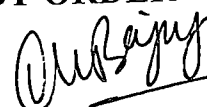
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06.10.2020

HEARD THROUGH VIDEO CONFERENCING.

1. Hon'ble Division Bench comprising HMJ Hima Kohli and HMJ Subramonium Prasad has not assembled today.
2. List on 07.10.2020.

BY ORDER


(COURT MASTER)

OCTOBER 6, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + W.P.(C) 3199/2020, C.M. Nos. 11708/2020, 15049/2020,
 16739/2020, 17993/2020, 20654/2020, 22071/2020 & 22658/2020

PRATEEK SHARMA AND ANR Petitioners

Through: None.

versus

UNION OF INDIA AND ANR Respondents

Through: None for R-1 and R-2.

Mr. Apoorv Kurup and Ms. Vartika

Mishra, Advocates for R-3/UGC.

Mr. Sachin Datta, Senior Advocate with

Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,

Advocates for R-4/University of Delhi

AND

+ ~~W.P.(C) 3411/2020~~ and C.M. No. 12111/2020

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: None.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Vivek Goyal, CGSC for R-1/UOI

Mr. Apoorv Kurup and Ms. Vartika

Mishra, Advocate for UGC.

Mr. Sachin Datta, Senior Advocate with

Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,

Advocates for University of Delhi

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CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
% **07.10.2020**

HEARD THROUGH VIDEO CONFERENCING

1. Mr. Sachin Datta, learned Sr. Advocate states on instructions from Mr. Rupal, learned counsel appearing for the respondent/University of Delhi that an additional affidavit was filed on 30.9.2020. The said affidavit is not on record. The same has been e-mailed a few minutes ago to the Court Master who has in turn forwarded it to this Court.
2. As per the said affidavit, as on 6.10.2020, 2,28,613 papers of the final year undergraduate students, who have sat in the OBE first phase, have been assigned to evaluators. Out of the aforesaid papers assigned, 2,11,796 papers have already been evaluated. Further, out of a total of 5,50,000 (approx.) e-mails received on various portals of the University and/or member colleges of the University, about 3,79,588/- e-mails have been integrated, which comes to 70% of the total emails received.
3. Mr. Datta, learned Sr. Advocate assures the court that every effort is being made by the University to expedite the work of evaluation and integration of e-mails, so that the results can be declared at the earliest. He states that if granted some more time, the University will be able to give another update of the steps taken in that direction.

4. List on 12.10.2020. University of Delhi shall file a fresh affidavit giving an updated status of the evaluation of the answer sheets of the final year undergraduate students, integration of the emails and the proposed date for declaration of results.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

OCTOBER 7, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3199/2020 & CM 11708/2020 (Stay) CM 15049/2020
(Stay) CM 16739/2020 (Addl. Documents) CM 17993/2020 (Addl
facts, docs.) CM 20654/2020 (Directions) CM 22071/2020
(Impleadment) CM 22658/2020(on b/o applicant for intervention)

PRATEEK SHARMA AND ANR

.... Petitioners

Through: Mr. Harpreet Singh Hora, Advocate with
petitioners in person

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC with
Mr. Sahaj Garg and Mr. Kushagra, Advocates
Mr. Apoorv Kurup, Advocate with
Ms. Vartika Mishra, Advocate for UGC
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder JS Rupal and
Mr. Hardik Rupal, Advocates for University of
Delhi
Mr. Amir Singh Pasrich, Advocate with Mr. Amit
Ranjan Singh and Ms. Richa Relhan, Advocates
for Intervenor (CM No. 22658/2020)

AND

+ W.P.(C) 3411/2020 & CM 12111/2020 (Stay)

NATIONAL FEDERATION OF THE BLIND

..... Petitioner

Through: Mr. Santosh K. Rungta, Senior Advocate
with Mr. Sumit Pargal, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC for R-1 &
R-4/UIO
Mr. Apoorv Kurup, Advocate with
Ms. Vartika Mishra, Advocate for UGC
Mr. Sachin Datta, Senior Advocate with
Mr. Mohinder JS Rupal and
Mr. Hardik Rupal, Advocates for University of
Delhi

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
12.10.2020

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HEARD THROUGH VIDEO CONFERENCING

1. Additional affidavit is stated to have been filed by the Delhi University. As usual, the same is not on record. It has been e-mailed by Mr. Rupal to the Court Master who has, in turn, e-mailed the same to us. We may note that even the previous affidavits filed at the last minute by the Delhi University are not a part of the record. Learned counsel for the Delhi University shall ensure that all the previously filed affidavits are in the court file so that the records are complete.
2. In the latest additional affidavit, it has been stated by the Delhi University that as on the date of the filing of the affidavit, the results of 16 Post Graduate Courses have been declared on the official website of the University. For two courses i.e. M.Sc. Geology and M.A. Geography, the results would be declared in a couple of days. The relevant portion of the affidavit reads as under:-

“4. As of now the results for the following Post Graduate

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Courses have already been declared on the official website of the University:

<i>Post Graduate Courses (Final Semester/Year)</i>	
1.	<i>M.Sc. Computer Science</i>
2.	<i>Master of Computer Applications</i>
3.	<i>M.Sc. Botany</i>
4.	<i>M.Sc. Chemistry</i>
5.	<i>M.Sc. Zoology</i>
6.	<i>M.Sc. Biomedical Sciences</i>
7.	<i>M.Sc. Electronic Science</i>
8.	<i>M.Sc. Microbiology</i>
9.	<i>M.Sc. Genetics</i>
10.	<i>M.Sc. Plant Molecular Biology</i>
11.	<i>M.Sc. Environmental Science</i>
12.	<i>M.Sc. Biochemistry</i>
13.	<i>M.A. in Finance Administration</i>
14.	<i>M.A. Environmental Studies</i>
15.	<i>M.A. Applied Psychology</i>
16.	<i>M.Tech. in Microwave Electronics</i>

The results of the following Post Graduate courses are almost ready to be declared in a day or two-

<i>Post Graduate Courses (Final Semester/Year)</i>	
1.	<i>M.Sc. Geology</i>
2.	<i>M.A. Geography</i>

3. For the rest of the Post Graduate courses, it has been stated that efforts are being made to expedite the same. On enquiring from Mr. Sachin Datta, learned Senior Advocate appearing for the Delhi University as to how many PG courses are being taught in the Delhi University, he states that in all, there are 20 PG courses that are being taught in the Delhi University and after subtracting the results of the 18 courses in respect whereof results have been declared/are ready to be declared in a couple of days, declaration of results in 32 PG courses would still be left. Learned Senior Advocate states that the results of 32 PG courses shall be declared by the end of October, 2020. Delhi University shall strictly adhere to the said time line. The results of the remaining 32 PG courses shall be declared on or before 31st October 2020.

4. Coming next to the results of the final year Under Graduate courses, Mr. Sachin Datta, Sr. Advocate states that in all there are 250 Under Graduate courses. Out of 250 courses, there are 17 B.Sc. (Hons.) courses taught in the University. Out of the said 17 B.Sc. (Hons.) courses, results of 7 B.Sc. (Hons.) courses are expected to be declared within the timeline given in the earlier affidavit. The said seven courses are: B.Sc. (Hons.) Polymer Science, B.Sc. (Hons.) Biological Science, B.Sc. (Hons.) Instrumentation, B.Sc. (Hons.) Food Technology, B.Sc. (Hons.)

Biochemistry, B.Sc. (Hons.) Microbiology and B.Sc. (Hons.) Biomedical Sciences.

5. We may note that in an earlier affidavit filed in late September, 2020, Delhi University had stated that the results of all the 17 courses in B.Sc. (Hons.) shall be declared from 20th October 2020 onwards. As for the results of the B.A. (Hons.) courses which are 26 in number, it was stated that the results of the B.A. (Hons.), Mass Media and Mass Communication shall also be declared from 24th October, 2020 onwards along with other B.A. (Hons.) courses. The said affidavit was silent about the date by which the results of the B.A. (Programme) courses will be declared.

6. Having regard to the fact that the earlier affidavit filed by the Delhi University simply mentions in para 7 the names of the course with the tentative cut-off date thereby keeping all the dates open-ended, it is deemed appropriate to direct that the Delhi University shall declare the results of all the courses, including B.Sc. (Hons.) (17 courses), B.Sc. (Programme), B.A.(Hons.) (26 courses), B.Com(Hons), B.Com. (Programme) and B.A. (Vocational), Bachelor in Vocation w.e.f. the tentative dates mentioned therein with a buffer period of 3 additional days granted in each course. In other words, if the B.Sc. (Hons.) (17 Courses) results have been stated to be declared starting from 20th October 2020, the said results shall be declared by a maximum of 3 additional days, i.e. on or before 23th October, 2020 and so on and so forth.

7. Insofar as the B.A. (Programme) course is concerned, the previous affidavit filed by the Delhi University is silent on a tentative cut-off date. It is directed that the results of the B.A. (Programme) course shall also be declared on or before 31st October 2020. At this stage, Mr.Datta, learned

Senior Advocate states on instructions from Prof. Rawat that due to the maximum number of students and combination of papers in the B.A. (Programme) course which covers almost the 35% of the entire student community in the final year course, a more reasonable cut off date may be fixed for declaring their results.

8. In view of the submissions made by learned counsel for the Delhi University, it is directed that the results of the final year B.A. (Programme) students shall be declared on or before 06.11.2020.

9. Insofar as the details regarding integration of the emails received by the Delhi University is concerned, we may note that out of 5,50,000 emails received, 4,51,175 emails have been integrated, thus leaving 98,825 emails. The emails mapped so far are 1,53,493, the emails evaluated are 26,309 and the emails yet to be assigned are 43,902.

10. Mr. Prateek Sharma, the petitioner who appears in person states that the Delhi University may be directed to clarify that once the results of the post-graduate students and the final year under-graduate students are declared, no student needs to approach the Delhi University physically for collecting the mark sheets and nor should the mark sheets that would be uploaded on the website of the University contain any footnote to the effect that the same are subject to physical verification as that can create impediments for students who are to proceed for their studies abroad or seek employment.

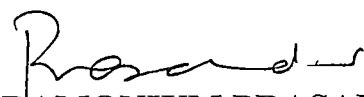
11. It is made clear that the Delhi University shall not incorporate any footnote on the mark sheets to be uploaded on its website stating that the same is subject to any physical verification and nor will the Delhi University call upon the students to physically approach the University/College to

collect the mark sheets. The mark sheets that will be downloaded from the website of the Delhi University, shall suffice.

12. With the aforesaid directions, both the petitions are disposed of along with the pending applications. However, the questions of law raised in the petitions are left open. The contempt notice issued to Prof. Vinay Gupta also stands discharged.



HIMA KOHLI, J



SUBRAMONIUM PRASAD, J

OCTOBER 12, 2020/pst/rs/hsk

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr. S.K. Rungta, Sr. Adv. with
Mr. Sumit Pargal, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC for R-1 &
R-4/UOI

Mr. Apoorv Kurup & Ms. Nidhi Mittal, Adv. for
R-3/UGC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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01.02.2021

CM APPL.3410/2021 (direction) in WP(C) 3411/2020

This matter be not listed before this Bench.

Matter be placed before the Chief Justice on administrative side for
constitution of the Bench.

List on 05.02.2021.


CHIEF JUSTICE


JYOTI SINGH, J

FEBRUARY 1, 2021/ns

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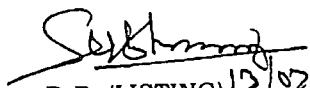
W.P.(C) 3411/2020

(Along with W.P.(C) 3199/2020)

The above said matter was listed before Hon'ble DB-VI comprising Hon'ble Mr. Justice Rajiv Sahai Endlaw and Hon'ble Ms. Justice Asha Menon on 13th July, 2020. As per parcha received from the Hon'ble Court, this matter is required to be listed along with W.P.(C) 3199/2020 before Division Bench on 14th July, 2020, subject to orders of Hon'ble The Chief Justice.

It is submitted that W.P.(C) 3199/2020 is listed before Hon'ble DB-II presided over by Hon'ble Ms. Justice Hima Kohli on 14.07.2020.

7A / In view of the above, if approved, this matter may be listed before Hon'ble DB-II on 14th July, 2020.


D.R. (LISTING) 13/07/2020

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HON'BLE THE CHIEF JUSTICE

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Not Before:- Hon'ble Mr. Justice Anup Jairam Bhambhani

CM APPL. 3410/2021 (direction) in W.P.(C) 3411/2020

NATIONAL FEDERATION OF THE BLIND

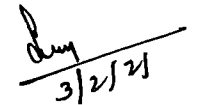
Vs.

UNION OF INDIA & ORS

The above said matter was listed before Hon'ble DB-I comprising Hon'ble The Chief Justice and Hon'ble Ms. Justice Jyoti Singh on 1st February, 2021 when the Hon'ble Court directed not to list this matter before this Bench and place the matter before Hon'ble The Chief Justice on administrative side for Constitution of the Bench. The next date of hearing in this matter is fixed for 5th February, 2021.

It is submitted that the matter was disposed of by the Division Bench comprising Hon'ble Ms. Justice Hima Kohli and Hon'ble Mr. Justice Subramonium Prasad vide order dated 12.10.2020.

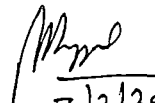
In view of the above, submitted for orders regarding nomination of appropriate Bench for listing this matter on 5th February, 2021.


A.R. (LISTING)

REGISTRAR (LISTING)

As directed by HCJ,
be listed before DB-II.

HON'BLE THE CHIEF JUSTICE


3/2/2021.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3411/2020

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr. Santosh Kumar Rungta, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC for R-1 & 4.
Mr. Sachin Datta, Adv. for R-2.
Mr. Apoorv Kurup & Ms. Nidhi
Mittal, Advs. For R-3

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **05.02.2021**

CM APPL. 3410/2021

Issue notice. Learned counsel for the respondents accept notice.

Reply be filed within a week with advance copy to learned counsel for the applicant. In the reply, the respondents should specifically state as to when the result of each of the candidates, mentioned in para 6 and 7 of the application, has been declared.

Mr. Datta has stated that the results of all other candidates, except those at serial Nos.1 & 2 of the tabulation contained in para 6 have been declared, as according to the respondents, these two candidates do not seem to have appeared in the examination. This position is disputed by Mr. Rungta.

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In these circumstances, let these students meet the Nodal Officer of the respondent within the next 2 days to sort out the matter.

List on 16.02.2021.



VIPIN SANGHI, J



REKHA PALLI, J

FEBRUARY 5, 2021

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: **Mr. Prashant Singh, Advocate.**

versus

UNION OF INDIA & ORS

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

16.02.2021

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C.M. No. 3410/2021

Adjournment is sought on the ground of non availability of the arguing counsel Mr. Rungta. At request, adjourned to 20.08.2021.

In the meantime, the petitioner may file the rejoinder to the reply filed by the respondent, an advance copy of which has already been served on the petitioner. The respondent shall ensure to bring the reply on record before the next date of hearing.


VIPIN SANGHI, J

REKHA PALLI, J

FEBRUARY 16, 2021

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020**

NATIONAL FEDERATION OF THE BLIND Petitioner
Through: None

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Vivek Goyal, CGSC for UOI.
Mr. Apoorv Kurup and Ms. Vartika
Mishra, Advs. for R-3 (UGC)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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23.08.2021

File taken up today as 20.08.2021 was declared holiday.

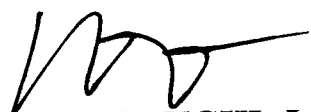
CM APPL. 3410/2021

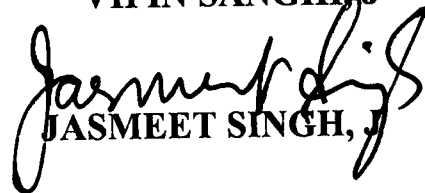
None appears for the petitioner or for the Delhi University when the matter is called out. In the interest of justice, we defer orders.

List on 29.09.2021.

AUGUST 23, 2021

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VIPIN SANGHI, J


JASMEET SINGH, J

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3411/2020**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: None

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC for UOI.
Mr. Apoorv Kurup and Ms. Vartika
Mishra, Advs. for R-3 (UGC)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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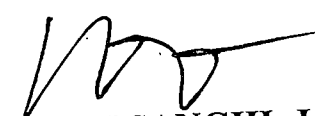
23.08.2021

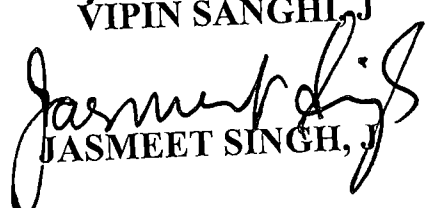
File taken up today as 20.08.2021 was declared holiday.

CM APPL. 3410/2021

None appears for the petitioner or for the Delhi University when the matter is called out. In the interest of justice, we defer orders.

List on 29.09.2021.


VIPIN SANGHI, J


JASMEET SINGH, J

AUGUST 23, 2021

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3411/2020

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: None

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Vivek Goyal, CGSC for UOI.
Mr. Mohinder JS Rupal and Ms. V Bhawani,
Advs. for University of Delhi
Mr. Apoorv Kurup, Ms. Nidhi Mittal and Ms.
Vartika Mishra, Advs. for R-3/(UGC)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **29.09.2021**

CM APPL. 3410/2021

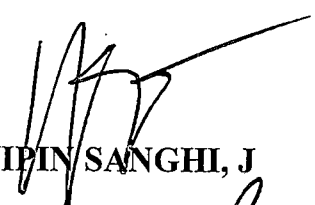
None appears for the petitioner when the matter is called out.

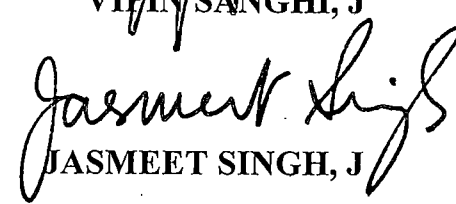
Mr. Rupal, who appears for the Delhi University states that this application has become infructuous since the results of all the 7+3+14 candidates have been declared. He also submits that three writ petitions were filed before this Court seeking the same relief i.e., declaration of the results being W.P.(C) 1573/2021 titled "Abhishek Maurya v. Union Of India & Ors.," W.P.(C) 1626/2021 titled "Divya Singh v. Union Of India & Ors." and W.P.(C) 1631/2021 titled "Sonika Joshi v. Union Of India & Ors." However, they have been withdrawn on 18.08.2021 before the learned Single Judge. Copy of the said order has been shared on screen by Mr.

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Rupal.

It appears to us that since the application has become infructuous, for the said reason, none appears for the applicant/petitioner. The application is accordingly disposed of.


VIPIN SANGHI, J


JASMEET SINGH, J

SEPTEMBER 29, 2021

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