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

+ **W.P.(C) 3058/2018**

MS. HEMIKA BASIYAN Petitioner
Through: **Mr.Rakesh Kumar Singh, Adv.**

versus

UNIVERSITY OF DELHI AND ANR. Respondents
Through: **Mr.Amit Bansal with Ms.Seema
Dolo, Advs. for R-1.
Mr.Ravi Prakash, CGSC with
Mr.Farman Ali & Ms.Ananaya
Sachdeva, Advs. for R-2.**

**CORAM:
HON'BLE MS. JUSTICE REKHA PALLI**

ORDER
% **19.04.2018**

Vide the present petition, the petitioner a student of B.El.Ed. at Miranda House College, University of Delhi who had been granted admission under the differently abled (hearing impaired) category in July 2016, has sought a direction to the respondents to promote her to the next higher class with grace marks or by taking re-examination in accordance with the prescribed rules.

Learned counsel for the petitioner submits that the petitioner had appeared in her first year examination of the B.El.Ed. exam held between 11.05.2017 to 25.05.2017, but the respondents had erroneously and by flouting their own policy treated her at par with normal students. He submits that though in view of her disability, the

petitioner was entitled to be compensated with extra time of one hour in case she declined to avail the facility of a scribe which facility the petitioner had admittedly declined, but the respondents had failed to provide her the same by ignoring their own policy guidelines issued vide notification dated 28.01.2014. He submits that as a consequence thereof, when the result was declared on 21.08.2017, the petitioner had failed in two subjects i.e (F1.1 Child Development and C1.3 Core Natural Science).

He further submits that the petitioner had thereafter made a request on 11.09.2017 to the respondents to promote her either by giving grace or by taking re-examination by allotting her extra time in accordance with their own guidelines and had also applied for rechecking, but there was no alteration in her marks. In these circumstances, the petitioner has filed the present petition which was listed for the first time on 02.04.2018. On that date, in view of the submissions made by learned counsel for the petitioner, learned counsel for the respondents was directed to take instructions.

Today, learned counsel for the parties have been heard at length and what transpires is that after having not been able to pass first year, the petitioner stopped attending college and has been preparing to reappear in the first year examination as an ex-student

Learned counsel for the petitioner concedes that there has been delay on the part of the petitioner in approaching the Court as now the second year examinations are about to begin soon and, therefore, he submits that the petitioner would be satisfied, in case, the respondents are directed to strictly follow their own policy and grant her

additional time while appearing in the written examination.

Mr.Amit Bansal, Advocate who appears for respondent No.1 does not oppose the aforesaid limited prayer and he assures the Court that the respondents would strictly follow the guidelines notified on 28th January, 2014 and ensure that the petitioner is given facilities to which she is entitled.

In view of this, nothing further survives for adjudication. The writ petition is disposed of as infructuous.

It is expected that as and when the petitioner clears the first year, the petitioner would be permitted to attend the second year as a regular student in the next batch.

REKHA PALLI, J

APRIL 19, 2018

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