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

+ W.P.(C) 3992/2020 & C.M. No.14323/2020

VISHAL TRIPATHI & ANR.

..... Petitioners

Through: Mr. Gunjan Singh, Advocate.

Versus

BAR COUNCIL OF INDIA & ORS.

.... Respondents

Through: Mr. Preet Pal Singh and Mr. Saurabh Sharma, Advocates for R-1/BCI.

Mr. Apoorv Kurup and Ms. Nidhi Mittal, Advocates for R-2/UGC.

Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advocates for R-3/Delhi University.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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10.07.2020

HEARD THROUGH VIDEO CONFERENCING

1 The present petition has been filed by two petitioners, petitioner No. 1, who is stated to be a final year student studying law in the Campus Law Centre-I, Delhi University and petitioner No.2, who is a third year LLB student in the Karnataka State Law University's Law School, Hubli, Karnataka. The petitioners have prayed that the Guidelines dated 27.05.2020 and the press release dated 09.06.2020 issued by the respondent No.1/Bar Council of India and the Notification dated 27.06.2020, issued by the

respondent No.3/University of Delhi, be quashed.

2. In its Guidelines dated 27.05.2020, the respondent No.1/Bar Council of India has referred to the Guidelines dated 27.4.2020 issued by the respondent No.2/UGC and clarified that final year students of the three-year and five-year courses may be allowed to appear in the online examinations. However, it has been left to the Universities to adopt an alternative strategy for conducting the examinations for those students who are unable to avail of the online examinations system for any reason. Further, the Guidelines have clarified that the intermediate semester students would be promoted on the basis of their performance of the previous years and the marks obtained in internal examination of the current year. BCI has also directed that the end semester examinations be conducted within a period of one month from the date of re-opening of the college.

3 Coming to the Notification dated 27.06.2020, the respondent No.3/University of Delhi has decided to postpone the alternative mode of examinations by ten days and stated that the new date-sheet will be finalized and notified by the Examination Branch on 03.07.2020. We may note that after issuance of the Notification dated 27.06.2020, the respondent No.3/University of Delhi has issued a fresh Notification on 09.07.2020, stating *inter alia* that the examination schedule for the final year students have been deferred to a date after 15.08.2020. The aforesaid aspect is being considered by this Court in a batch of writ petitions, lead matter being **W.P. (C) No.3199/2020** entitled Prateek Sharma and Anr. Vs. Union of India and Anr. listed yesterday and the said petitions are now listed for further consideration on 14.07.2020.

4 Having regard to the nature of the extensive relief prayed for by the petitioners in the present petition, which according to learned counsel for the petitioners, should be given effect to by the Universities throughout the country, we have inquired from learned counsel for the petitioners as to how would the present petition be maintainable before this court, more so, when the petitioner No. 2 is neither a student studying in Delhi nor is he a resident of Delhi. The court cannot be expected to conduct a roving and fishing enquiry at the instance of the petitioners only to verify the mode and manner in which all the Universities, pan India are implementing/ proposing to implement the directions issued by the respondent No.1/BCI.

5 After addressing arguments at some length, Mr. Singh, learned counsel for the petitioners states that he may be permitted to withdraw the present petition, while reserving the right of the petitioners to approach the Supreme Court for appropriate relief.

6. Leave as prayed for, is granted. The present petition is disposed of, along with the pending application.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 10, 2020

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