

# Prateek Sharma And Anr vs Union Of India & Anr on 17 August, 2020

**Author: Hima Kohli**

**Bench: Hima Kohli, Subramonium Prasad**

\$~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

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/UOI

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

% 17.08.2020 HEARD THROUGH VIDEO CONFERENCING

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

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 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 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 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 a/na/tr