

# Prateek Sharma And Anr vs Union Of India & Anr on 9 July, 2020

**Author: Hima Kohli**

**Bench: Hima Kohli, Subramonium Prasad**

\$~4, 7, 8 and 9.

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3199/2020 and CM. 11708/2020

PRATEEK SHARMA AND ANR

..... Petitioners

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

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC with  
Mr. Kushagra, Advocate for R-1 and R-2.  
Mr. Tushar Mehta, SG, Mr. Apoorv Kurup,  
Ms. Nidhi Mittal and Mr. Siddharth Nigotia,  
Advocates for UGC.

Mr. Sachin Datta, Senior Advocate with  
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,  
Advocates for University of Delhi with  
Prof. Vinod Gupta, Dean (Examination)

+ W.P.(C) 3946/2020 and CM. 14163-65/2020, 14172/2020

ANUPAM & ORS.

..... Petitioners

Through: Mr. Akash Sinha, Mr. Shubham Saket,  
Mr. Indrajeet Singh and Mr. Gaurav Prakash Shah,  
Advocates

versus

UNIVERSITY OF DELHI THROUGH ITS  
REGISTRAR & 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. Tushar Mehta, SG, Mr. Apoorv Kurup,  
Ms. Nidhi Mittal and Mr. Siddharth Nigotia,  
Advocates for R-3 and R-4/UGC.

W.P.(C) 3199/2020, 3946/2020, 4002/2020 and 4029/2020

Page 1 of 5

+ W.P.(C) 4002/2020, CM APPL. 14374-76/2020

AKSHAY LAKRA & ORS

..... Petitioners

Through: Mr. Harpreet Singh Hora, Mr. Perdeep  
Kumar Naagar, Mr. Arun Hooda and Mr. Amit K.  
Sharma, 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. V.P.S. Charak, Ms. Shubhra Parashar and Mr.  
Kapil Gaur, Advocate for R-3/MoHRD.  
Mr. Tushar Mehta, SG, Mr. Apoorv Kurup,  
Ms. Nidhi Mittal and Mr. Siddharth Nigotia,  
Advocates for R-3 and R-4/UGC.

+ W.P.(C) 4029/2020, CM APPL. 14445-47/2020  
KABIR SACHDEVA . . . . . Petitioner  
Through: Mr. Manik Dogra, Mr. Dhruv Pande and  
Mr. Randeep Sachdeva, 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.  
Ms. Suparna Srivastava, CGSC with Mr. Tushar  
Mathur, Advocate for R-2/UOI.  
Mr. Tushar Mehta, SG, Mr. Apoorv Kurup,  
Ms. Nidhi Mittal and Mr. Siddharth Nigotia,  
Advocates for R-3 and R-4/UGC.

W.P.(C) 3199/2020, 3946/2020, 4002/2020 and 4029/2020 Page 2 of 5

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

ORDER

% 09.07.2020 HEARD THROUGH VIDEO CONFERENCING

1. W.P.(C) 3946/2020 entitled Anupam & Ors. vs. University of Delhi Through its Registrar & Ors., W.P.(C) 4002/2020 entitled Akshay Lakra & Ors vs. University of Delhi & Ors. and W.P.(C) 4029/2020 entitled Kabir Sachdeva vs. University of Delhi & Ors., pending before the learned Single Judge have been tagged with W.P.(C) 3199/2020. The learned Single Judge has passed a common order in the captioned writ petitions, wherein most of the petitioners are final year students pursuing their studies in the University of Delhi and seek quashing of the decision of the University of holding online Open Book Examinations (OBE), on several grounds.

2. We may note that the aspect of conducting Open Book online examinations by the University of Delhi for students who are in the PWD category is the subject matter of W.P.(C) 3199/2020 that has been pending before this Bench.

3. On the last date of hearing, the University of Delhi had informed this court that as a run up to the main examinations, mock examinations had commenced on 04.07.2020 and they would conclude on 08.07.2020. Thereafter, the online OBE would commence on 10.07.2020. It was also stated that if for any reason, students are not in a position to sit for the online OBE commencing on 10.07.2020, all the students, whether they belong to the PWD category or otherwise, would be afforded another opportunity to sit in the examinations that will be conducted physically, in the month of September, 2020, subject to the conditions normalising by then. It was also clarified that this would be irrespective of whether the students had filled up their applications online or not and they were willing to sit in the online OBE, to the point that even if they had reached the stage of downloading the question papers for participating in the examinations but could not upload their answer sheets for any reason, they would still be given a second chance. For purposes of clarity, we had directed the University of Delhi to file an affidavit placing on record the manner in which it proposed to proceed further.

4. As usual, the University of Delhi has emailed an affidavit only this morning to the Court Master, which has in turn been forwarded to us, wherein it has been averred that a meeting of the High Powered Committee of the University had taken place on 07.07.2020 at 9:30 PM to assess the examination related matters and take stock of the developments pursuant to the revised Guidelines issued by the UGC on 06.07.2020. Thereafter, the University of Delhi has decided to postpone holding of the examinations to some date after 15.08.2020.

5. Mr. Sachin Datta, learned Senior Advocate appearing for the University of Delhi states that the University is still working out the date- sheet for the examinations to be conducted after 15.08.2020, which shall be notified in due course.

6. Mr. Tushar Mehta, learned Solicitor General appears for the UGC and informs the court that the UGC had issued Guidelines on 06.07.2020 and a Circular on 08.07.2020 informing all the Universities that the examination process for the final year students must be completed by the end of September, 2020 and the mode of examinations could be online or offline or a blend of both.

7. Mr. Datta, learned Senior Advocate appearing for the University of Delhi states that the University will have to now work out a fresh plan and datesheet in terms of the Guidelines dated 06.07.2020 and the Circular dated 08.07.2020 issued by the UGC, and declare the date and the manner in which the examinations would be conducted. He seeks two days' time to file an affidavit in this regard.

8. The said affidavit shall be filed by 13.07.2020, with copies furnished to the concerned counsel. UGC shall also place on record the Guidelines dated 6.7.2020 and the Circular dated 8.7.2020 well before the next date.

9. List on 14.07.2020.

HIMA KOHLI, J SUBRAMONIUM PRASAD, J JULY 09, 2020 rkb