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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

**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.

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

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