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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 & 16739/2020

PRATEEK SHARMA AND ANR ..... Petitioner  
Through Mr. Kapil Sibal, Senior Advocate  
with Mr. Nizam Pasha, Advocate with petitioners  
No.1 and 2 in person.

versus

UNION OF INDIA AND ANR ..... Respondent  
Through Mr. Ripudaman Bhardwaj, CGSC,  
Mr. Kushagra, Mr. Sahaj, Advocates and Mr.  
Dinesh Tyagi, CEO of CSE Academy for R-1 and  
R-2.  
Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advocates for UGC.  
Mr. Sachin Datta, Sr. Advocate with Mr.  
Mohinder J.S. Rupal, Mr. Hardik Rupal,  
Advocates and Professor Vinay Gupta for  
University of Delhi.

+ 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 with Mr. Sumit Pargal, Advocate.

versus

UNION OF INDIA & ORS ..... Respondent  
Through Mr. Vivek Goyal, CGSC for R-1 & 4.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advocates for UGC.

Mr. Sachin Datta, Sr. Advocate with Mr.  
Mohinder J.S. Rupal, Mr. Hardik Rupal,  
Advocates and Professor Anil Aneja for University  
of Delhi.

+ W.P.(C) 4029/2020, CMs. No.14445/2020 (interim direction) &  
15048/2020 (on behalf of the applicant for intervention)

KABIR SACHDEVA

..... Petitioner

Through Mr. Dhruv Pande and Randeep  
Sachdeva, Advocates.

versus

DELHI UNIVERSITY & ORS.

..... Respondent

Through Ms. Suparna Srivastava, CGSC with  
Mr. Tushar Mathur, Advocate for R-2/UOI.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advocates for UGC.

Mr. Sachin Datta, Sr. Advocate with Mr.  
Mohinder J.S. Rupal, Mr. Hardik Rupal,  
Advocates and Professor Vinay Gupta for  
University of Delhi.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

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**ORDER**  
**30.07.2020**

## **HEARD THROUGH VIDEO CONFERENCING**

1. On 28.7.2020, we had directed the Delhi University (in short, 'DU') to file an affidavit, furnishing the following information:-

*“3. Last opportunity is granted to the Delhi University to file an affidavit. The said affidavit shall also furnish the details of number of students who have participated in the mock test, the number of students who were unable to upload their answer sheets within the prescribed time and the number of complaints received from students regarding technical glitches faced by them during the mock test. It shall also be indicated as to how many students had opted for the facility of CSE Centres for the mock exam and how many actually used the facility. Details of the PWD category of students with a sub category of visually impaired students who had applied for participating in the online OBE and those who had participated in the mock test be also furnished in a tabulated form.”*

2. Further, we had asked for information as set out in para 6 of the order, which is extracted below:-

*“6. The court would also like to be informed that out of 2,75,000 students, who have submitted applications to participate in the online OBE proposed to be conducted by Delhi University in August, 2020, how many students have opted for a CSE Centre for downloading the question paper and uploading the answer sheets. Out of those students who have sought the facility of a CSE Centre, how many students are situated at remote places and whether the CSE Centres at the said locations are fully equipped.”*

3. Pursuant to the aforesaid order, an additional affidavit has been filed by the University of Delhi and the CSE Academy. The Delhi University has reproduced a tabulated statement in para 2 (b) of its affidavit, which relates to the data collated for the first two days of the first phase of the Mock test conducted on 27.7.2020 to 29.7.2020, which is as follows:-

<b>27 and 28 July (Combined)</b>			
	<b>DU</b>	<b>SOL</b>	<b>Total (Regular +NCWEB+ SOL)</b>
<b>Total Registered</b>	<b>72614</b>	<b>109623</b>	<b>182237</b>
<i>Total Logged in Student</i>	45412	24689	70101
<i>Total Paper's Attempted</i>	27393	11766	39159
<i>Total Paper Submitted</i>	16386	5986	22372
<i>Total Upload Recorded</i>	85530	24790	110320
<b>PwD Students (All)</b>			
<i>Total Registered PwD</i>	647	187	384
<i>Total Logged in Student PwD</i>	416	70	486
<i>Total Paper's Attempted PwD</i>	227	34	261
<i>Total Paper Submitted PwD</i>	128	14	142
<i>Total Uploads PwD</i>	736	42	778
<b>Only VH</b>			
<i>Registered Students VH</i>	149	33	182
<i>Paper Attempted VH</i>	54	10	64
<i>Paper Submitted</i>	29	3	32

4. Mr. Datta, learned Senior Advocate appearing for DU states that out of 2,43,823 students who have submitted their examination forms, 1,82,237 students have registered on the portal of the University during the first phase of the Mock test. Out of 1,82,237 student, only 74,180 students have logged

in and 39,159 students have attempted the question papers. The aforesaid figures reveal that 8% of the total number of students who had registered on the portal of the University have participated in the first phase of the Mock test. These figures are not very encouraging to say the least.

5. The data relating to students in the PWD category and the visually handicapped (VH) category are equally dismal. Mr. Datta, learned Senior Advocate states that the data in respect of the third day of the first phase of the Mock test i.e. for 29.7.2020, could not be collated due to paucity of time and if granted another opportunity then, not only will the collective data of the first phase of the Mock test be produced, the data of the second phase to be conducted from 1.8.2020 to 4.8.2020, shall also be produced in a tabulated form.

6. Due to paucity of time and to avoid any delay, the tabulated statements analogous to the one reproduced hereinabove shall be prepared separately for the first phase and the second phase of the Mock tests and placed on record before the next date of hearing.

7. Mr. Rungta, learned Senior Advocate appearing for the petitioner in W.P. (C) 3411/2020 states that about 189 students have requested DU to arrange scribes for them. Vide letter dated 03.07.2020, information was sought by the DU from all Colleges, Departments etc. relating to the name, course, semester, contact details, location, details of the material required and its cost to be incurred by the PWD students and the said information was duly furnished. Despite that, DU has not arranged reading material, assistive devices and scribes for them at the CSE Centres.

8. On the last date of hearing, it was the stand of DU that the CSE Academy is required to arrange scribes for VH students. However, Mr. Dinesh Tyagi, CEO of the CSE Academy is present in the hearing and he has categorically stated that it is not the duty of the CSE Academy to arrange a scribe at the CSE Centres. Quite clearly, it is the responsibility of the Delhi University to make scribes available for the VH students. Otherwise, the whole process of conducting the OBE online examinations for them would be reduced to a mockery.

9. We have been further informed by DU that about 60 visually impaired students have requested for scribes. Out of the said number, 58 have requested for scribes at their homes whereas 2 have requested for scribes at the CSE Centres. The aforesaid figures are at variance with the figures furnished by Mr. Rungta, learned Senior Advocate, who states that 107 students have made requests for scribes. We have been informed by Prof. Aneja that out of 400 VH students, information regarding 229 students was furnished to the Delhi University in response to the letter dated 03.07.2020. Out of 229 students, 101 students are based outside Delhi and the NCR region whereas, 94 students are in Delhi and 20 students reside within the NCR region. 14 students did not give any details of their location. This shows that DU has ample information available with it with regard to the requirement of scribes for VH students who are not based in Delhi. Mr. Rungta, learned Senior Advocate states that the letter dated 03.07.2020, issued by the University Delhi had also sought details about the requirement of assistive devices and reading material for the VH students and the said information should also be available with DU.

10. On the next date of hearing, the Delhi University shall clarify the position with regard to arrangement of scribes at CSE Centres and elsewhere for the students in the VH category to enable them to participate in the online OBE.

11. List on 5.8.2020.

**HIMA KOHLI, J**

**SUBRAMONIUM PRASAD, J**

**JULY 30, 2020**

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