

2022 LiveLaw (Del) 200

IN THE HIGH COURT OF DELHI AT NEW DELHI

CORAM: JUSTICE PRATHIBA M. SINGH

4th March, 2022

W.P.(C) 3945/2020 & CM APPLs. 21339/2020, 24261/2020

DHRITIMAN RAY versus UNIVERSITY OF DELHI & ORS.

W.P.(C) 4444/2020 & CM APPLs. 16012-13/2020

DR. AKSHITA KHOSLA versus UNIVERSITY OF DELHI AND ORS

W.P.(C) 4571/2020 & CM APPLs. 16511-12/2020

DR. NAMAN BARECHA & ORS. versus UNIVERSITY OF DELHI & ORS.

W.P.(C) 4754/2020

DR MILI ROHILLA & ORS. versus UNIVERSITY OF DELHI & ORS.

Petitioner Through: Mr. Sarthak Maggon, Advocate

Respondents Through: Mr. Mohinder JS Rupal & Mr. V. Bhawani, Advocates for DU. Ms. Nidhi Raman, CGSC with Mr. Zubin Singh, Advocate for UoI. Mr. Apoorv Kurup & Ms. Nidhi Mittal, Advocates for R-4 (UGC)

1. This hearing has been done through hybrid conferencing.
2. The present batch of writ petitions before the Court was filed by students of the University of Delhi (hereinafter "*University*") studying various courses who graduated in the year 2017, 2018, 2019 and 2020. The petitions were filed in 2020 during the Covid-19 pandemic. Their grievance was that they were unable to get original degree certificates and transcripts issued from the University. The Petitioners had approached the Court as there was unreasonable delay in the issuance of the transcripts and the degree certificates. The Petitioners had applied to various programs in foreign universities, however due to non-issuance of original documents by the University, they were unable to proceed with their further education thereby causing irreparable harm to their career prospects. On the first date of hearing, it was brought to the attention of the Court that non-issuance of the degree certificate was due to non-availability of proper quality paper and the fact that the University's contract with the printer had expired.
3. The Petitions were listed before the Court from time to time and various directions were passed. Owing to the deadlines within which the transcripts and certificates were needed, arrangements were directed to be made that in case of urgency, the same would be issued in the form of handwritten, digital degrees etc., wherever it was deemed necessary. The degrees and transcripts in respect of all the Petitioners and other similarly placed candidates who had sought intervention, were issued as noted in orders dated 7th September 2020 & 14 th December, 2020.
4. However, in order to ensure that students are able to obtain their degree certificates without having to approach the Court each time, this Court vide order dated 23rd July 2020 directed the University to come up with a protocol for the issuance of digital degree certificates. The relevant directions of the Court read as under-

“12. A mechanism needs to be urgently created to ensure that all students are able to obtain their degree certificates and other documents without the need to approach the Court, by simply writing an email to the DU authorities. The University should then issue the certificates and documents online with digital signatures. It is accordingly directed as under:-

(i) The DU shall immediately take steps to draw up the mechanism/protocol for issuance of digital degree certificates and other documents, including marksheets and transcripts along with digital signatures and security features. Mr. Sanjeev Singh, submits that he would be able to place the mechanism/protocol on record within five days;

(ii) DU shall also identify the officers who would be in-charge of such a digital facility within the DU to whom students can write emails and obtain the documents within a specified timeline;

(iii) DU to place on record its agreement with the NAD along with the details of the data which has been transmitted to NAD;

(iv) Issue notice to the National Academic Depository (NAD). Mr. Apoorv Kurup and Ms. Nidhi Mittal accept notice. A senior official of the NAD shall update this Court by way of an affidavit, as to the details of the agreement entered into between the DU and the NAD and the status of the data, already received and to be received from the DU.

(v) Since the NAD is a unique facility which is meant to be a national depository for academic records, to make the same easily accessible to students, it should be utilized effectively by the DU and immediate steps should be taken by the DU for transfer of all the existing data relating to students, to the NAD.

(vi) In the process of preparing a protocol/mechanism for issuance of digital degree certificates, marksheets and transcripts, or for obtaining digital signatures, if the DU requires any assistance, they are permitted to contact Mr. Sarsij Kumar, Joint Director (M: 9650006723) and Mr. Zameem Ahmad Khan, Senior System Analyst (M: 9650006732) of the Delhi High Court for any technical assistance.

(vii) Mr. Sanjeev Singh, Joint Director, DU Computer Centre shall in any event obtain a digital signature for himself before the next date, while the implementation of the protocol is being finalised and worked out, in order to ensure that those students who require their degree certificates on an urgent basis can be e-mailed the digital certificates with his digital signature.

13. DU and NAD to file their affidavits in compliance with the present order through email to the DHC Registry and Court Master by 3rd August 2020. Advance copy be served upon Id. Counsel for the Petitioners. List on 4th August, 2020 at the end of board.”

5. The affidavit was placed before the Court. The Dean, Examination and Joint Director, Delhi University Computer Centre (DUCC) were asked to assist the Court

and were put various queries regarding the mechanism. After perusing the mechanism sought to be put in place by the University, the Court was of the opinion that the steps contemplated by the University were not sufficient to set up the process of issuance of digital degrees. In the order dated 04th August 2020, this Court observed as under-

“11. Despite sufficient time being made available, it is clear that DU is not taking adequate steps to set up the process for issuance of digital degree certificates. There is a completely callous attitude being reflected towards the plight of students. A request is made for adjourning the matter for tomorrow to place a better scheme on record. This Court feels that the same would be completely futile as considerable time has already lapsed without any positive steps being taken by the DU. All the Petitioners wish to get their registrations on the ECFMG platform in order to be able to sit in the USMLE examination for post graduate studies in the US. It is stated that the deadline for submission of their degree certificates is 15th August, 2020. It is in view of this deadline that this Court was repeatedly listing the matter to find a solution. However, the affidavit filed by DU is lacking in several respects – in the name of the portal, the link to the portal, the form to be filled for obtaining the digital degree certificate and in not providing a sample of the degree certificate to be issued.”

6. Therefore, the Court was constrained to appoint a committee consisting of various personnel from the IT Team of the Delhi High Court, Digilocker, and the National e-Governance Division (NeGD) with the following mandate-

“13. The Committee shall finalize the following:

a) The online link on the DU portal where the students can put in applications for issuance of their digital degree certificates. Alternatively, an e-mail address shall be provided where the Petitioners and similarly placed candidates can write an e-mail to obtain their degree certificates;

b) The timeline after receipt of the said email for verification and issuance of the degree certificate with the digital signature;

c) Template for the degree certificate to be issued by email;

d) Official to be responsible for affixing the digital signature and issuance of the same;

e) A sample degree certificate in favour of one of the Petitioners, duly signed with the digital signature, shall also be generated;

f) Timelines for transmission of past data to Digilocker from DU

g) Timelines for transmission of data periodically to Digilocker so that students can easily access their certificates, transcripts, marksheets, awards etc.”

7. The said Committee held meetings with the University officials, and a sample digital degree certificate was placed on the record. An online portal www.digicerti.du.ac.in was also activated by the University for the issuance of digital degree certificates to students. It was submitted before the Court that the data of all the students of the University who graduated up till November, 2019 was available with the University.

The University was directed to transmit all data relating to degrees to Digilocker in a time-bound manner. The submission, as captured in order dated 7 th August 2020 as extracted below-

“7. In so far as other students of the University are concerned, Dr. Sanjeev Singh and Prof. Vinay Gupta (Dean, Examinations), who have also joined the video conferencing hearing, submit that the data of all the students who have graduated up till November, 2019 is already available with the DU.

8. They further submit that DU has activated the online portal for issuance of digital degree certificates being www.digicerti.du.ac.in, wherein the students have to register themselves and give their details including their academic qualification, name of their college, etc. Upon the same being completed by the students, the digital degree certificates for the students shall be issued within a maximum period of one week, after completing the verification etc.

9. Insofar as the transmission of data to Digilocker is concerned, DU is working out modalities with the officials of Digilocker to transmit all the data relating to degrees awarded by DU to Digilocker, within a time bound manner. Let the above measures and timelines thereto be placed on record by means of an affidavit by DU.”

8. On the next date of hearing i.e., 7 th September 2020, it was brought to the attention of the Court that more than 30,000 students had applied online for obtaining their degree certificates but not even a single degree had been issued, except to the Petitioners who were before the Court. This was because data related to students was stated not to be available with the Examination Branch. This stand of the University was in contrast of the submission made on previous date on 7th August 2020. Moreover, the purpose of creating the set up for the issuance of online degree certificates was sought to be defeated by insisting on physical submission of documents. It was directed by the Court that the University would not insist on physical submission of documents for the purpose of issuance of digital degree certificates. The Court further directed the University to consider creating an ‘urgent’ tab on the portal where the applicant can submit documents such as letter from the employer, or from any university or any other document showing any deadline in which case documents shall be issued within 7 working days.

9. A few impleadment applications were filed on 28th September 2020, complaining of some errors in the digital degrees being issued by the University. The University was directed to look into the complaints and rectify the same. On 20th October, 2020, an affidavit was filed by the University informing the Court of the following-

“i) Paper degrees of all students, who graduated prior to 2017, have been printed and given to the respective colleges for distribution to the students;

ii) That insofar as subsequent years, i.e., 2017 onwards, are concerned, further paper degrees of approximately 10,550 students have been received from the vendor;

iii) Data relating to mark sheets of 57,496 students, who passed out in 2017, have been sent to Digilocker, and an endeavour has been made to further transmit the data

to Digilocker;

iv) Digital degrees for under-graduate/postgraduate students of 2017 have been issued to 5579 students, and this would be followed by the students of the 2018-19 batch;”

10. Another similar affidavit was filed by the University on 23rd December 2020 in view of the direction passed by the Court on 14th December 2020 regarding issuance of digital degree certificates after announcement of semester-wise result. There was, however, no specific timeline specified in the affidavit by the University within which digital degree certificate were to be given to the students.

11. Therefore, vide order dated 23rd December, 2020, the University was directed to file yet another affidavit setting out timelines regarding issuance of transcripts and digital degrees inter alia. The said affidavit has now been filed by the Delhi University wherein the following points have been stated with regard to specific points culled out by the Court in order dated 23rd December 2020 which are set out below:

i. Timeline for declaration of results after conclusion of the last exam in a particular semester for under-graduate and postgraduate courses.

On this issue, the stand of the university is as under:

“3. Without prejudice to the above it is respectfully submitted that, setting timeline for the declaration of result not possible as it depends on various factors such as receipt of awards of Internal Assessment, Practical's/Projects/Dissertations, theory etc. However, it's a matter of record that Semester of Delhi University has never been delayed. Further, a system is in place to issue confidential results subject to receipt of awards to needy students on the production of documentary proof.”

11.1 The stand of the Delhi University, is that due to various factors specific timelines cannot be given for declaration of results after the conclusion of last examination. However, it is further assured and confirmed that the results “has never been” delayed. Further, the University has confirmed that confidential results can be issued to the students who are in need on the production of documentary proof. Thus, if the results of a particular semester or the final semester are delayed due to any reasons and any candidate or student requires the same for employment/career opportunities or further education, the confidential result can be sought by the concerned students, prior to the declaration of results, from the University. The said position is accepted by the Court and it is further directed that the Dean, Examinations upon being furnished the documentary proof of urgency, would verify the same and issue the confidential results within a maximum period of four weeks. An endeavour shall be made by the University to ensure that if there are any deadlines with respect to the student’s admission to any University in India or abroad or any employer needs the same, the documents are issued within the said deadlines.

ii. Timeline for issuance of marksheets/ transcripts or making the same available online after the declaration of results.

On this point, the affidavit of the University reads as under:

“4. It is submitted further that timeline for issuance of marksheet is:

*(a) For online results, **immediately** after the declaration of result.*

*(b) For manual results, **within 20 working days.**”*

11.2. As is clear from the above, for online results the University has stated that same shall be made available online immediately upon declaration of result. For manual result, 20 working days are sought. The submission of the University is accepted with the direction that a mechanism shall be put in place so that in case of any urgency, a student can write an email to the concerned Dean, Examinations who shall then consider the said request and issue the attested marksheet/transcript manually within a period of 5 working days.

iii. Timeline for the issuance of digital transcripts for such students who may require the same for further education or for employment.

On this point, the stand of the university in its affidavit is as under:

“5. It is further submitted that, there is no provision of issuance of digital transcript, as most of the Institutes insist on sending the transcripts in a sealed envelope. However, the University has devised an online mechanism of receipt of application for the transcript. Transcripts can be issued within 21 working days and it can be sent by post to the addressee, if requested for, and on fulfilling the required conditions as laid down in the application form/instructions contained therein.”

11.3. The University’s stand is that the transcript will be issued within 21 working days. The University takes the position that issuance of digital transcript is not possible as foreign institutions insist that transcripts be sent in sealed envelope. Accepting this assurance of the University, in addition, it is directed that if any prospective employer or University is willing to accept digital transcripts, the Dean, Examinations shall have a digital signature which shall be affixed on the transcript and the same be issued within 5 working days to the candidate or directly to the employer/university concerned.

iv. Timeline for transmission of data relating to marksheets/ transcripts to Digilocker after the same has been announced by DU.

On the transmission of data to Digilocker, the stand of the university is as under:

“6. It is further submitted that timeline for transfer of mark sheet data to digilocker is within 90 working days after declaration of all the results.”

11.4. The timeline indicated by the University is accepted by the Court and the same shall be scrupulously adhered to by the University.

v. Timeline for the issuance of provisional degree certificates or advance degree certificates after declaration of results.

On the issuance of provisional degrees or advance degree certificates, the stand of the university is as under:

“7. It is also submitted that timeline for issuance of advance degree before convocation, after the approval of the Competent Authority is:

a) Digital advance degree: 10 working days

b) Printed advance degree: 60 working days”

11.5. The said timeline is also accepted by the Court. However, in the case of an urgency, provisional degree certificates may also be issued with 2 weeks of receipt of the application with all the documents from the student/candidate.

vi. Timeline for holding the convocation on an annual basis.

On the timeline for holding convocations, the stand of the university is as under:

“8. It is submitted that, within 180 days as per UGC notification dated 16/2/2009 and as per Executive Council Resolution No. 96, dated 11/2/2003 the annual convocation of the University would be held on the last Saturday of February, every year.”

11.6. The University states that the convocation would be held on the last Saturday of February, every year. However, it is noticed by the Court that in the past, this schedule has not been adhered to by the University. Sometimes convocations remain pending for even continuous period of two years. Without going into the reasons as to why the previous convocations were not held as per the fixed date, it is directed that in the future, in order to ensure that no inconvenience is caused to the university/employees as also primarily the students, the schedule as stated above shall be adhered to for holding of the convocation on the last Saturday of February, every year.

vii. Timeline for issuance of actual degrees both in digital form and paper degrees.

On the issuance of digital and paper degrees, the stand of the university is as under:

“9. Timeline for the issuance of digital/printed degree after the convocation is as follows:

a) Timeline for the issuance of digital degree after convocation, urgent cases: 10 working days; and normal cases: 45 working days.

b) Issuance of printed degree: There has been a backlog, and printed degree was not issued for 2017, 2018 and 2019 pass out students. Now printing of 2017 degree is almost complete, and 2018 degree printing has been started and will be completed by May 2021, 2019 degrees will be printed by September 2021. Digital degree is being issued on request.

c) From 2021 onwards, printed degrees will be issued within 90 working days after the convocation.

d) Provision of issuance of digital provisional certificate has been started from December 2020.”

11.7. Insofar as the digital degrees are concerned, the timeline given by the University of 10 working days for urgent cases and 45 working days for normal cases is accepted

by the Court. Insofar as the backlog of printed degrees for the years 2019, 2020 and 2021 are concerned, if the printing is not already completed, it shall be completed by 30th May, 2022. All the students who request for physical degrees shall be issued the said degree certificates without fail. Insofar as printing degrees is concerned, going forward the paper degrees shall be printed by the time of the convocation and shall be issued upon request of students within two weeks after the convocation.

viii. Timeline for transmission of the digital degrees/ paper degrees to Digilocker.

On the transmission of degrees to Digilocker, the stand of the university is as under:

“10. Timeline for the transfer of degree data: 90 working days after printing of degree year-wise.”

11.8. The above timeline for transfer of the data relating to degrees to the digilocker is accepted by the Court, as the transfer of data has to be comprehensively done for all students studying in a semester in a particular course.

12. The affidavit which has been filed by the Delhi University has been deposed by Mr. Vikas Gupta, Registrar of the University of Delhi. It is directed that said timeline shall be strictly adhered to by the University, including the Registrars, the Dean/Controller of Examinations, the Deans of various colleges as also the members of the administration of Delhi University.

13. Insofar as issuance of transcripts, legitimate degrees and printed degrees are concerned, the Dean, Examinations and the Registrar, University of Delhi shall be personally responsible for adhering to the timelines as set out in the present order. The present order shall be sent by the Registrar (Writs) to the following persons:

- i. Prof. Yogesh Singh - Vice Chancellor, Delhi University [email- vc@du.ac.in]
- ii. Dr. Vikas Gupta – Registrar, Delhi University [email- reigstrar@du.ac.in]
- iii. Prof. D.S. Rawat- Dean, Examinations, Delhi University [email-dean_exam@du.ac.in]
- iv. Dr. Sanjeev Singh– Jt. Director, Delhi Univ. Computer Centre [email- director@ducc.du.in]

14. The University officials shall ensure adherence to the timelines and shall issue necessary administrative directions to all concerned along with a copy of this order for compliance of the directions set out above.

15. With these observations, these writ petitions are disposed of with no orders as to costs. All the pending applications are also disposed of.

16. The Court records the valuable assistance rendered by the Id. Counsels for the Petitioners, as also by Id. Counsel for the Delhi University, especially during the pandemic when a large number of students were facing difficulties.