

W.P.No.16670 of 2021
and W.M.P.No.17655 of 2021

N.ANAND VENKATESH, J.

The learned counsel appearing on behalf of the second respondent brought to the notice of this Court the order passed by the Delhi High Court in W.P.No.9087 of 2015, which was subsequently confirmed in appeal in L.P.A.No.311 of 2018 by an order dated 28.05.2018. The learned counsel also brought to the notice of this Court, the interim order passed by the Hon'ble Supreme Court dated 11.03.2019 wherein the Hon'ble Supreme Court had directed the orders passed in the writ petition and further confirmed in the L.P.A., to be kept in abeyance and not to be given effect to.

2. The learned counsel for the second respondent submitted that, the entire process does not involve any physical form at any stage. It was submitted that, the examinations are conducted on-line and it is evaluated on-line and there is no physical form for the answer sheet in order to inspect the same, as it happens in a normal examination. The learned counsel further submitted that, the second respondent has taken a very categorical stand before the Hon'ble Supreme Court that there is no scope for production of any answer sheet, since it is in virtual form and even if one such request is entertained, the second respondent will be flooded with many such requests and it will virtually put spokes in the smooth functioning of the second respondent. Therefore, when a question was posed by this Court to the learned counsel for the second respondent as to whether this restriction will even apply to a Court, which directs the inspection of the answer sheet, the learned counsel sought for some time to take instructions to answer this query.

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3. In view of the specific stand taken by the second respondent, there shall be a direction to the second respondent to file an affidavit clearly explaining the entire process and also their stand with regard to the inspection of the answer sheet. The affidavit shall also state the effect of the Court seeking for the inspection of the answer sheet in the virtual form and how it will impact the confidentiality maintained by the second respondent. These questions are posed only to understand the scope of jurisdiction to be exercised by this Court under Article 226 of the Constitution of India in a changed scenario where everything is done through virtual mode. Under such changed scenario, if any candidate is not satisfied with the marks awarded to him / her, what will be the remedy that will be left to the candidate. The learned counsel seeks for some time to file an affidavit explaining all the queries that have been posed by this Court.

4. Post this case under the same caption on **24.09.2021**.

27.08.2021

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Note : Issue the order copy today (27.08.2021)

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(Next Date of Hearing : 24.09.2021)