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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P. (C) 3411/2020, C.M. Appl. No.12111/2020 (for stay & directions)

NATIONAL FEDERATION OF THE BLIND .....Petitioner  
Through: Mr. S.K. Rungta, Senior Advocate  
in person

versus

UNION OF INDIA & ORS .....Respondents  
Through: Mr. Vivek Goyal, CGSC, for  
respondents No. 1 and 4  
Mr. Sachin Dutta, Senior Advocate  
with Mr. Mohinder Rupal, Mr.  
Sumit Paral, Advocates for  
respondent No.2-University of  
Delhi  
Mr. Apoorv Kurup and Ms. Nidhi  
Mittal, Advocates for respondent  
No.3-UGC

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**  
**HON'BLE MS. JUSTICE ASHA MENON**

% **ORDER**  
**13.07.2020**

**[VIA VIDEO CONFERENCING]**

**W.P. (C) 3411/2020 & C.M. Appl. No.12111/2020 (for stay & directions)**

1. The challenge in this petition to the notifications dated 30<sup>th</sup> May, 2020 and 1<sup>st</sup> June, 2020 of the respondent No.2 Delhi University (DU), for holding open book examination remotely for the final year/term/semester students of the various undergraduate/postgraduate programmes/courses of the respondent No.2 DU and its affiliated colleges, is inter alia on the ground that the same is against the rights of students with visual impairment and other disabilities under the Rights of Persons with Disability Act, 2016.

2. The petition had come up first before us on 9<sup>th</sup> June, 2020, when though we were informed that another petition in this respect, being W.P. (C) 3199/2020 was listed before a Bench presided by Justice Hima Kohli on 24<sup>th</sup> June, 2020, but since the open book examination was scheduled tentatively with effect from 1<sup>st</sup> July, 2020, it was felt that if this petition also was posted for 24<sup>th</sup> June, 2020, by that time delay incapable of being cured may be caused. We had, therefore, entertained the petition, heard the counsels and vide detailed order dated 17<sup>th</sup> June, 2020, issued certain directions with respect to the examination and schedule thereof and posted the petition for today for final hearing.

3. In the meanwhile, we have been reading in the newspapers of the proceedings in W.P. (C) 3199/2020 as well as of the notification issued by the respondent No. 3 University Grants Commission (UGC). The counsel for the DU also informs that he has mailed to us an affidavit setting out all the proceedings in WP

(C) No. 3199/2020 and enclosing the orders passed therein. The same be taken on record.

4. We have enquired from S.K. Rungta, Senior Advocate, appearing in his personal capacity as the petitioner, whether not in view of the deferment and thereafter cancellation of the examination which was scheduled, the petition has become infructuous.

5. Mr. S.K. Rungta, Senior Advocate disagrees and contends that as per the directive of the UGC, the examination is now to be held by September and the problems as highlighted in this petition continue.

6. We have also asked Mr. S.K. Rungta, Senior Advocate, whether he has spent any money out of the maximum amount of Rs.2 lakhs which we had permitted him to spend and assured that the same will be got reimbursed.

7. Mr. S.K. Rungta, Senior Advocate says that the occasion for spending the said money did not arise.

8. We have enquired from the senior counsel for DU, whether W.P. (C) No. 3199/2020 pending before the Bench presided by Justice Hima Kohli has been disposed of.

9. The Counsel for DU states that the petition is pending and is listed next tomorrow.

10. Mr. S.K. Rungta, Senior Advocate states that only the contempt proceedings are listed tomorrow.

11. It is apposite that all the petitions concerning the examination are heard and decided by one Bench only, to avoid conflicting orders and any further chaos.

12. We thus deem it proper that, subject to the orders of the Hon'ble Chief Justice, this petition also be listed before the Bench presided by Justice Hima Kohli tomorrow, along with W.P. (C) 3199/2020.

13. On the request of Mr. S.K. Rungta, Senior Advocate appearing in person, it is clarified that the directions issued on 17<sup>th</sup> June, 2020, remain.

14. List before the Bench presided by Justice Hima Kohli, alongwith WP (C) No. 3199/2020, on 14.07.2020.

**RAJIV SAHAI ENDLAW, J.**

**ASHA MENON, J.**

**JULY 13 , 2020**  
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