

\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 13th August, 2020

+

W.P. (C) 3946/2020

ANUPAM & ORS.

..... Petitioners

Through: Mr. Akash Sinha, Mr. Shubham Saket, Ms. Kanika Roy, Mr. Indrajeet Singh and Mr. Gaurav Prakash, Advocates.

Mr. Shivanker Sharma Advocates for the intervenors

versus

UNIVERSITY OF DELHI THROUGH ITS REGISTRAR & ORS.

..... Respondents

Through: Mr. Apoorv Kurup, Ms. Nidhi Mittal and Mr. Siddharth Nigotia, Advocates for UGC.

Ms. Sunieta Ojha, Advocate for UOI.

Mr. B. B. Gupta, Senior Advocate with Mr. Kamal Gupta, Advocate – Members of the Grievance Redressal Committee.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.

CM APPL.18999/2020 (for exemption)

2. This is an application seeking exemption from filing court fee and duly attested affidavits. Considering that the application is filed by members of the Grievance Redressal committee appointed by this Court, filing of affidavits and court fee is waived. Application is disposed of.

CM APPL.18998/2020 (for directions)

3. This matter has been listed upon urgent mentioning in the typed supplementary list and the application filed by the two members of the Grievance redressal Committee, has been transmitted to the Court Master.

4. The Court has perused the application and has also heard the members of the Grievance Redressal Committee i.e., Mr. B. B. Gupta, Senior Advocate and Mr. Kamal Gupta, Advocate. It is submitted by both of them that after the order passed on 7th August, 2020, neither the University of Delhi (*hereinafter, "DU"*) nor its officials have cooperated with the Chairperson and the other members of the Committee. In fact, the contact details of other two members of the Committee who are faculty members of DU have also not been given to the Chairperson. Passwords for the grievance emails have also not been shared. No meeting has been arranged and all the activities are being conducted without consulting the Chairperson or any independent members of the Committee. There has therefore been complete non-cooperation by the DU officials and the Committee is being by-passed.

5. It is also pointed out that one of the members of the Committee i.e., Professor K. S. Rao has made a statement in the media about grievances being received from students. It is further submitted that one of the grievance email addresses is, in fact, not working and the emails addressed thereto bounce back. As the mobile numbers of the Committee were contained in the order dated 7th August, 2020, a large number of students have sent their grievances directly to them.

6. The counsels have apprised the Court that they informed the counsel for DU about listing of the application. Court Master has also informed the

counsel for DU, however, there is no appearance on behalf of DU today.

7. In the present case, the Petitioners have challenged the conduct of online OBE by the DU. Vide order dated 7th August, 2020 this Court had passed the following directions.

“78. Considering the nature of challenge in the present petition, the technological challenges and the fact that the evaluation is of 70-100 marks for each paper, the following steps, shall be taken:

a) The question papers shall be made accessible for regular and NCWEB students on <http://obe.du.ac.in> and for SOL students on <http://solobe.du.ac.in>.

b) Simultaneously, the question papers shall be sent by email to all the students. Prof. Vinay Gupta, Dean (Examinations) has confirmed both before the Ld. Division Bench and before this Court that DU has the emails of all the students appearing in the final examinations and that the question papers would be emailed to all students.

c) Regular students shall be given the complete three hours for answering the question papers. Additionally, regular students are given one more hour for scanning the answer sheets and for uploading the same. Thus regular students would have a total period of four hours to complete the exam, scan and upload/email the answer sheets. Similarly, students under PWD category are also given one additional hour for downloading the question paper, completing their answers and uploading the answer sheets i.e., a total of six hours.

d) Students have the following options for uploading/emailing the answer scripts, as submitted by DU –

i. Students scan the answer sheets page by page or question wise and upload the same on

- the DU portal within the 7MB limit;*
- ii. Students can also convert their answer sheets into PDF files either question wise or in entirety and e-mail the same to the central email address at obescript@exam.du.ac.in and/or to the respective college/department/faculty email. The Dean (Examinations) of DU has confirmed that the said emails have the capacity of receiving emails from all the students who are appearing in the online OBE.*
- e) Those students who upload the answer sheets on the portal would receive an acknowledgement on the online OBE portal itself.*
- f) In respect of students who email the answer sheets to the central email address (obescript@exam.du.ac.in) or to the respective colleges/departments/faculties, an auto generated email shall be sent acknowledging receipt of the answer sheets. Ld. Counsel for DU, on instructions, has submitted that the auto-reply shall be generated so that students are aware that their answer sheets have been received.*
- g) DU shall ensure that the central email id as also the email ids of all the colleges and departments have adequate capacity to receive and store the answer sheets so that the emails sent by the students do not bounce back.*
- h) The central email id for uploading of answer sheets i.e. obescript@exam.du.ac.in, shall be publicised adequately.*
- i) Under instructions, ld. counsel for the DU has informed the Court that though there are 91 colleges in DU, the online OBE is being conducted for students only in 64 colleges. The list of Nodal officers for all the 64 colleges including their mobile numbers and email*

addresses has been given to the Court. In addition, the list of Nodal Officers for SOL and NCWEB has also to be issued. Both these lists shall be uploaded on the DU portal immediately and not later than 8th August, 2020 by 6:00 pm.

j) The details of all the Nodal Persons in the various departments/centres/faculty along with the mobile numbers and email addresses of 55 departments has been submitted to the Court. The same shall be uploaded on the DU portal by 6.00 pm on 8th August, 2020.

k) CSC Academy shall notify all its centres about the schedule of the online OBE by the end of today i.e., 7th August, 2020, so that the said centres can provide assistance to students to the best extent possible.

l) Grievance Cell:

In case the students have any grievances, they shall send their grievances at grievanceexam2020@gmail.com and grievance@exam.du.ac.in, which have already been notified by DU. The said emails shall be monitored and supervised by Dr. Sanjeev Singh, Joint Director DUCC, who shall entrust the same to the Grievance officers. The emails received on these email addresses shall be addressed and resolved by the DU's Grievance Officers within 48 hours. Any grievances, which are not addressed within the said period, shall be automatically referred to a 'Grievance Redressal Committee'. The password for the email addresses shall also be handed over by Dr. Sanjeev Singh to the Chairperson of the Committee in a sealed cover. The Grievance Officers shall send a chart of grievances received and grievances redressed, every two days, to the

Chairperson of the Committee. In case any grievance is not addressed by the Grievance Officers within the stipulated time, the Committee shall take a final decision on the same.

m) Grievance Redressal Committee:

1) DU has informed this Court about the constitution of a Committee for the purposes of redressing any grievances of students related to answer scripts received in PDF format. Considering the fact that students ought to have a transparent and fair resolution of their issues and are not forced to litigate, the said Committee is reconstituted and shall constitute of the following members:

*i. Justice Pratibha Rani
(Retd. Judge, Delhi High Court) -
Chairperson*

*ii. Professor K. S. Rao,
Department of Botany - Deputy
Chairperson*

*iii. Professor Kavita Sharma,
Department of Commerce - Member*

*iv. Mr. B. B. Gupta, Senior Advocate
(M: 9811348989) - Member*

*v. Mr. Kamal Gupta, Advocate
(M: 9810988094) - Member*

The Grievance Redressal Committee shall deal with all the grievances of the students in respect of downloading of question papers, uploading of answer sheets, technical glitches, delays in uploading and any other issues faced by students

during the conduct of the OBE examinations.

2) Mr. Mohinder J. S. Rupal, Id. counsel for DU (M:9811151216) shall be the Principal Coordinator for the Committee and his role shall be to ensure the smooth functioning of the Committee and to coordinate between the DUCC and other DU officials and the Committee.

3) The Chairperson shall be paid a lumpsum fee of Rs.3 lakhs. The two external members have kindly consented to serve pro bono and the Principal Coordinator shall be paid a lumpsum of Rs.1 lakh. The fees for the Chairperson and the Principal Coordinator shall be paid by DU.

4) The Grievance Redressal Committee shall hold its meetings either virtually or in the office of the Dean (Examinations), DU. Adequate arrangements for the same shall be made by Dean (Examinations). The schedule of the said meetings shall be decided by the Chairperson of the Committee. The quorum for a meeting shall be a minimum of (3) including the Chairperson.

5) The decision in respect of the grievances shall be taken by the Committee within 5 days from receipt of the email and the student shall be duly notified of the said decision.

6) Grievance redressal shall continue during the entire period of the examinations and shall not be postponed till the end of the examinations, in order to ensure simultaneous resolution of the same.

(n) At the end of the OBE examinations a comprehensive report of the conduct of examinations shall be submitted by DU, within four weeks.

(o) The uploaded answer sheets of students shall also be simultaneously sent for evaluation to the respective teachers/faculty to ensure that declaration of results is not delayed in any

manner. As seen from the past examination schedules announced by DU, results are usually announced within a short period after conclusion of examinations and the same trend ought to be maintained.

The directions in respect of transmission of question papers by email, uploading of answer sheets by email, notification of the various email addresses including the central email address and those of colleges and departments, email addresses for raising grievances, generation of auto-reply, have already been agreed to by DU. The grievance redressal committee as constituted by DU is re-constituted to ensure fairness and transparency. The direction to send the uploaded answer sheets for evaluation simultaneously is given to expedite the declaration of results, to ensure a quick finality for students who need to move on in their careers.”

A perusal of the above directions shows that the DU had to take various steps to redress the grievances of students. A Grievance Redressal Committee consisting of three independent members and two faculty members of the DU was also constituted. The averments made in the application and the submissions made today shows that no steps have been taken whatsoever for ensuring that the grievance redressal mechanism is operational. The OBE examinations have commenced on 10th August 2020. Students are expressing several grievances which need to be addressed. The working of the Grievance Redressal Committee which is to look into the grievances of students giving the Online Open Book examinations (OBE) currently underway, cannot be permitted to be hampered in this manner. Clearly, there is complete non-compliance of the order passed by this Court on 7th August, 2020.

8. Under these circumstances, let notice of this application be issued to DU through Counsel. Professor P. C. Joshi, Pro-Vice Chancellor, DU to join the video-conferencing hearing tomorrow i.e. 14th August, 2020 at 2:30 pm. Professor K. S. Rao, Deputy Chairperson of the Grievance Redressal Committee shall also join the hearing tomorrow. Counsels for the MHRD and the UGC shall also ensure that one of their senior officials participates in the hearing tomorrow.

9. Since the contact details of the Pro-Vice Chancellor and Professor K. S. Rao are not available with any of the parties appearing today, the present order be communicated by the Id. Registrar General to Professor P. C. Joshi and Professor K. S. Rao so that they can join the hearing tomorrow. In addition, the present order be communicated to Mr. Mohinder Rupal, counsel for DU.

10. In future, if the members of the Grievance Redressal Committee wish to file an application or place any report before this Court, affidavits in support thereof shall not be insisted upon by the Registry.

11. List on 14th August, 2020 at 2:30 pm.

PRATHIBA M. SINGH
JUDGE

AUGUST 13, 2020/dk/T