

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. 724 OF 2020

IN THE MATTER OF:

PRANEETH K AND ORS. ...PETITIONER  
VERSUS  
UNIVERSITY GRANTS COMMISSION & ...RESPONDENTS  
ORS.

COMMON COUNTER AFFIDAVIT ON BEHALF OF THE  
RESPONDENT—UNIVERSITY GRANTS COMMISSION

PAPER BOOK

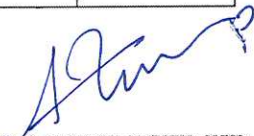
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ADVOCATE FOR THE RESPONDENT NO. 1:  
APOORV KURUP

INDEX

| S.No. | Particulars                                                                                                                                                | Page No. |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1.    | Common Counter Affidavit on behalf of the Respondent—University Grants Commission                                                                          | 1-37     |
| 2.    | <b>ANNEXURE-R1/A</b><br>A copy of the UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003. | 38-43    |
| 3.    | Application For Exemption From Filing Duly Notarized Counter-Affidavit                                                                                     | 44-47    |

Through:

  
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Dated: 30.07.2020

New Delhi

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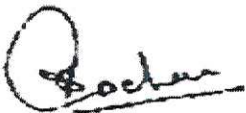
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VERSUS  
UNIVERSITY GRANTS COMMISSION & ORS. ...RESPONDENTS

COMMON COUNTER AFFIDAVIT ON BEHALF OF THE  
RESPONDENT—UNIVERSITY GRANTS COMMISSION

MOST RESPECTFULLY SHOWETH:

I, Dr. Nikhil Kumar, S/o Sh. Santosh Kumar, aged about 38 years, working as Education Officer, University Grants Commission, and presently at New Delhi, do hereby solemnly swear and affirm as follows:-

1. That I have been appointed as the officer-in-charge on behalf of the Respondent-University Grants Commission (the "UGC" or "Answering Respondent") in the present matter and I am well conversant with the facts and circumstances of the present case. As such, I am competent to swear the instant common counter affidavit on behalf of the UGC.



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2. That, for the sake of brevity, the UGC craves leave of this Hon'ble Court to submit the present common counter affidavit in response to the pleadings in W.P. (C) Nos. 724 of 2020, W.P. (C) No. 739 of 2020, W.P. (C) No. 745 of 2020 and W.P. (C) No. 746 of 2020, which are substantially similar.
3. That, at the outset, the UGC denies all the averments in the said petitions, save and except those that are specifically admitted in the instant common counter affidavit.
4. That, however, before furnishing a paragraph-wise reply to the said petitions, the UGC craves leave of this Hon'ble Court to make the following preliminary submissions.

#### I. PRELIMINARY SUBMISSIONS

5. That the UGC has been constituted under the provisions of the University Grants Commission Act, 1956 (Act No. 3 of 1956) [the "UGC Act"] which came into force with effect from 05.11.1956. The UGC Act was legislated to make provisions for the coordination and determination of standards in higher education in India. Under the provisions of the UGC Act, the UGC has been entrusted with the duty to take such steps as it may think necessary for the promotion and coordination of higher education in Universities and Institutions and for the determination and maintenance of standards of teaching, examination and research therein. Towards this end, the UGC has been vested with the power to recommend to any university or institution, the measures necessary for the improvement of



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education and to advise them on the action to be taken for the purpose of implementing such recommendation(s).

6. That for the aforesaid purpose of performing its functions under the UGC Act, the UGC is also authorized to perform such other functions as may be prescribed or as may be deemed necessary for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions. The UGC Act is traced to Entry 66 of List I of Schedule VII of the Constitution.
7. That, thus, the UGC is the apexbody for regulating the standards of higher education in the country, including the standards of examination. In order to maintain such standards, the UGC is empowered to act, *inter alia*, pursuant to section 12 of the UGC Act which states as follows:

*“Section 12: Functions of the Commission: It will be the general duty of the Commission to take, in consultation with the Universities or other bodies concern, all such steps as it may think fit for the promotion and coordination of University education and for the determination and maintenance of standards of teaching, examinationand research in the universities, and for the purpose of performing its functions under this act, the Commission may-*



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...

...

*(d) recommend to any University the measures necessary for the improvement of University Education and advise the University upon the actions to be taken for the purpose of implementing such recommendation;*

...

...

*(g) advise the Central Government, or any State Government or University on any question which may be referred to the Commission by the Central Government or the State Government of the University, as the case maybe;*

...

...

*(i) require a University to furnish it with such information as may be needed relating to the financial position of the University or the studies in the various branches of learning undertaken in that University, together with all the rules and regulations relating to the standards of teaching and examination in that University respecting each of such branches of learning;*



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*(j) perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions."*

In addition, the UGC also has the power to make regulations under section 26 of the UGC Act which states as follows:

*“Section 26: Power to make regulations*

*(1) The Commission may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder—*

...

...

*(e) defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of the University, having regard to the branch of education in which he is expected to give instruction;*

*(f) defining the minimum standards of instruction for the grant of any degree by any University;*

*(g) regulating the maintenance of standards and the co-ordination of work or facilities in Universities.”*



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8. That, in exercise of the aforesaid power under section 12 of the UGC Act, the UGC first published the “UGC Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and

Subsequent Lockdown” (dated 29.04.2020) which noted that:

*“The schedule of Terminal Semester examinations has also got disturbed. In such scenario, it is joint responsibility of all the stakeholders to manage multiple key issues relating to academic activities in the institutions. While it is crucial to follow measures taken by the Government to contain the spread of COVID-19, it is also important to continue the educational process making effective use of technology and other available options. Future may have many uncertainties but difficult times demand quick appropriate decisions. We must be optimistic that we can reinvent work again and engage the students in effective and constructive ways”*

The aforesaid Guidelines further stated that:

*“2. The universities may adopt efficient and innovative modes of examinations by reducing the time from 3 hours to 2 hours assigned to each examination, if need arises but without compromising the quality, so that the process may be completed in multiple shifts and, at the same time, sanctity to evaluate the performance of a student is also maintained.*

*3. The universities may conduct Terminal / Intermediate Semester / Year examinations in offline / online mode, as per their Ordinances/ Rules and*



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*Regulations, Scheme of Examinations, observing the guidelines of “social distancing” and keeping in view the support system available with them and ensuring fair opportunity to all students.*

*4. Terminal semester / year examinations for PG/UG courses/ programmes may be conducted by universities as suggested in the academic calendar keeping in mind the protocols of “social distancing”.*”

It is pertinent to note that these Guidelines, which contain policy decisions taken by the UGC, were made following a report by a committee under the Chairmanship of Prof. R.C. Kuhad, Vice-Chancellor, Central University of Haryana. The said committee consisted of various experts in the field that included Vice-Chancellors of various universities, the director of the Inter University Accelerator Centre, New Delhi, and senior officers of the UGC. Therefore, the Guidelines were published “*in consultation with the Universities or other bodies concerned*”, as mandated by section 12 of the UGC Act.

A copy of the UGC’s ‘Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown’, dated 29.04.2020, is annexed and marked as ‘Annexure P/1’ in W.P. (C) No. 739 of 2020.

9. That, thus, it was the intent of the Guidelines dated 29.04.2020 to lay down a policy backed by statute that all higher education institutions must conduct final year/



terminal semester examinations (in July 2020) so as to protect the academic and career interests of students while, at the same time, safeguarding their health.

It is humbly submitted that final year / terminal semester examinations are important because the learning process is a dynamic interaction where the only way to figure out what students know is to seek evidence of their knowledge and to evaluate it. Academic evaluation of terminal semester/ final year students is therefore a very important milestone in any education system due to the fact that specialized/ elective courses of a programme have been studied during the year/ terminal semesters. Moreover, the curriculum of a course/ programme allows flexibility in the education system, so that students depending upon their interests and aims can choose interdisciplinary, intra-disciplinary and skill-based courses. The present system not only offers opportunities and avenues to learn core subjects but also allows students to explore additional avenues of learning beyond the core subjects for holistic development. As such, students are offered elective courses which may be very specific or specialized or advanced or supportive to the discipline/ subject of study and which nurtures the candidate's proficiency/ skills/interests. The final year or the last two semesters of a course/ programme thus consist of primarily Discipline Specific Elective (DSE) courses, Generic Elective (GE) courses and Skill Enhancement courses (SEC) to provide value-based and/ or skill-based knowledge. Consequently, performance in examinations, especially final year / terminal semester examinations, gives



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confidence and satisfaction to students and is a reflection of their competence, performance and credibility that is necessary for global acceptability. The terminal semester/ final year examinations also provide an opportunity to students to improve upon their overall score/ marks which are very crucial for the rest of their lives and which will help ensure academic credibility, career opportunities and future progress of students globally.

10. That, however, in June 2020, considering the evolving situation of the Covid-19 pandemic, the UGC requested the expert committee headed by Prof. R.C. Kuhad to revisit the 'UGC Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown'. Accordingly, the expert committee (which also included Vice-Chancellors of technical universities and a representative of industry) did so, and submitted a report recommending that terminal semester /final year examinations should be conducted by universities/ institutions by the end of September, 2020 in offline (pen & paper)/ online/ blended (online + offline) mode. This report of the expert committee was deliberated and approved by the UGC in its emergent meeting held on 06.07.2020 since the conduct of final year / terminal examinations is a time-sensitive issue. Consequently, the UGC immediately issued the 'Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic' (dated 06.07.2020) which noted that it is:



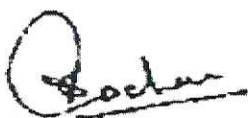
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*“... important to safeguard the principles of health, safety, fair and equal opportunity for students. At the same time, it is very crucial to ensure academic credibility, career opportunities and future progress of students globally. Academic evaluation of students is very important milestone in any education system. The performance in examinations gives confidence and satisfaction to the students and is a reflection of competence, performance and credibility that is necessary for global acceptability.”*

Needless to say, the UGC has emphasized the need to conduct terminal/ final examinations, be it in the form of course-ending terminal semester examination or final annual examination, because it is a crucial step in the academic career of a student. The structure of the course (whether semester or annual format) of course differs from one higher education institution to another and is not relevant for the determination of the present petitions.

The Revised Guidelines therefore stipulated as follows:



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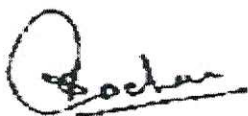
***“1.Mode of Terminal Semester/ Final Year Examinations (2019-20)***

*The universities are required to complete the examinations by the end of September, 2020 in offline (pen & paper)/ online/ blended (online + offline) mode following the prescribed protocols/ guidelines related to COVID-19 pandemic.*



## ***2.Provision of Examination through Special Chance***

*In case a student of terminal semester/ final year is unable to appear in the examination conducted by the University for whatsoever the reason(s) may be, he/she may be given opportunity to appear in special examinations for such course(s)/ paper(s), which may be conducted by the university as and when feasible, so that the student is not put to any inconvenience/ disadvantage. The above provision shall be applicable only for the current academic session 2019-20 as a one-time measure.”*



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A copy of the UGC's 'Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic', dated 06.07.2020, is annexed and marked as 'Annexure P/2' in W.P. (C) No. 739 of 2020.

11. That, in addition, the Ministry of Human Resource Development in the Govt. of India (the “MHRD”) also issued an Office Memorandum (F. No. 16-16/2020-U1A), dated 06.07.2020, in which it was noted that:

*“Top ranking universities of the world have opted for the final exams to be done remotely. Like Princeton and MIT (USA); University of Cambridge, Imperial College of London.....have resorted to online technology based mode of examinations. International Universities like National*



*University of Singapore...have scheduled their exams in take home format..."*

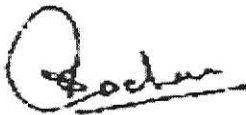
*"In order to safeguard the larger interest of students related to their academic and career progression, particularly those who are in their terminal semester/final year, the institutions are required to chart out a plan for conduct of examination in online/offline after making a comprehensive assessment of their level of preparedness... The performance in examinations brings in scholarships and awards and translates into better job placement. This would not only give them more confidence and satisfaction, but also ensure merit and lifelong credibility."*

The MHRD's O.M. further noted that:

*"Final Term Examinations should be compulsorily conducted as per UGC Guidelines on Examinations and Academic Calendar for the Universities dated 29.04.2020 which have been again resolved today i.e. 06<sup>th</sup> July, 2020.*

*"Taking into consideration the academic interest of large numbers of students, MHA has agreed to the request of MHRD and granted exemption for the opening of educational institutions for the purpose of holding examinations/ evaluation work for Final Term Examination of the Universities/ Institutions."*

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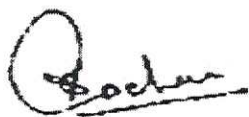
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*"MHRD has formulated detailed SOP for conduct of examinations with precautions to be taken in view of*

*COVID – 19 situation. This has been vetted by the Ministry of Health and Family Welfare.”*

A copy of the MHRD’s Office Memorandum (F. No. 16-16/2020-U1A), dated 06.07.2020, is annexed and marked as ‘Annexure P/3’ in W.P. (C) No. 739 of 2020.

12. That the aforesaid Guidelines dated 29.04.2020 which mandated higher education institutions to conduct final year/ terminal semester examinations in July 2020, and the Revised Guidelines dated 06.07.2020 which now require such examinations to be conducted by the end of September 2020, have to be adopted and applied by all Universities/ Institutions in the country (including State Universities) because clause 6.1 of the ‘UGC(Minimum Standards of Instruction for the Grant of the First Degree through Formal Education)Regulations, 2003’; clause 6.1 of the ‘UGC(Minimum Standards of Instruction for the Grant of the Master's Degree through Formal Education) Regulations, 2003’; and, clause 13.1 of the ‘UGC (Open and Distance Learning) Regulations, 2017’ provide as follows:



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**UGC(Minimum Standards of Instruction for the Grant  
of the First Degree through Formal  
Education)Regulations, 2003**

*“Clause 6: Examination and Evaluation*

*6.1 The university shall adopt the guidelines issued by the  
UGC and other statutory bodies concerned from time to*

*time in respect of conduct of examinations.” [Emphasis supplied]*

**UGC(Minimum Standards of Instruction for the Grant of the Master's Degree through Formal Education) Regulations, 2003**

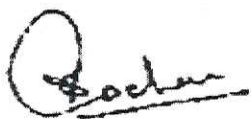
*“Clause 6: Examination*

*6.1 The university shall adopt the guidelines issued by the UGC and other statutory bodies concerned from time to time in respect of conduct of examinations.”[Emphasis supplied]*

**UGC (Open and Distance Learning) Regulations, 2017**

*“13. Evaluation and Certification—*

*(1) The Higher Educational Institution shall adopt the guidelines issued by the Commission from time to time in regard to the conduct of examinations.”[Emphasis supplied]*



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A copy of the UGC(Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003, is annexed herewith and marked as **Annexure-R1/A**.

It is submitted that the word “adopt” has a well-known meaning, which is to “*accept; formally approve (a report, accounts, etc.)*” (kindly see, Oxford English Reference Dictionary, Indian Edition). Moreover, it is



settled law that the regulations made by the UGC are binding on all universities, whether conventional or open, and its powers are very broad.

13. That, thus, all universities/ institutions in the country are obligated to conduct terminal semester/ final year examination by the end of September, 2020. However, the Revised Guidelines also stipulate that *“[i]n case a student of terminal semester / final year is unable to appear in the examination conducted by the University for whatsoever the reason(s) may be, he/she may be given opportunity to appear in special examinations for such course(s)/ paper(s), which may be conducted by the university as and when feasible, so that the student is not put to any inconvenience/ disadvantage.”* It is submitted that the UGC has issued such guidelines to protect the academic future of students across the country which will be irreparably damaged if their final year / terminal semester examinations are not held, while also keeping in mind their health and safety. It is well settled that Courts of Law do not ordinarily intervene in academic decisions and policies involving standards and quality of education, nor do they normally substitute the views of expert bodies.



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14. That, therefore, the decision of certain State Governments (such as the Govt. of Maharashtra, vide Govt. Resolution dated 19.06.2020 & Govt. of Delhi) to either cancel the terminal semester/ final year examinations for UG/PG students, and/or to graduate such students and confer degrees without appearing for the final year /



terminal semester examinations isplainly contrary tothe UGC'sguidelines.

15. That, moreover, such a decision directly affects the standards of higher education in the country and will be an encroachment on the legislative field of coordinating and determining the standards of higher education that is exclusively reserved for Parliament under Entry 66 of List I of Schedule VII of the Constitution. In this respect, it is further submitted that, as per settled law, provisions which give overriding effect to an Act must be given a restricted meaning so as to be kept confined to the legislative policy, intent, object, scheme and purpose of that Act. Such provisions cannot be invoked to render the statutory provisions of another special Act, such as the UGC Act, nugatory.



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16. That, in any event, along with the UGC's Revised Guidelines the Ministry of Home Affairs in the Govt. of India (the "MHA") has also permitted the conduct of final year / terminal semester examinations by universities and institutions. This is noted in paragraph no. 3 of the MHRD's O.M. (F. No. 16-16/2020-U1A) dated 06.07.2020 which reads as follows: "3. *Taking into consideration the academic interest of large number of students, MHA has agreed to the request of MHRD and granted exemption for the opening of educational institutions for all the purpose of holding examinations / evaluation work for the Final Term Examinations of the Universities / Institutions.*" According to the MHA's communication, the final year / terminal

semester examinations are to be compulsorily conducted as per the UGC's Guidelines dated 29.04.2020 and 06.07.2020.

17. That, lastly, the UGC's Guidelines dated 06.07.2020 adequately account for the evolving situation of the Covid-19 pandemic because they: (a) providesufficient time till the end of September 2020 to conduct the final year / terminal semester examinations after following the prescribed protocols and procedures relating to Covid-19; (b) give sufficient flexibility to universities/institutions to conduct such examinationsin online, offline (pen & paper) or blended (online + offline) mode; and,(c) provide for an examination throughspecial chance for students who "for whatsoever the reason(s) may be" are unable to appear for the examinations conducted by a university/institution by end of September 2020. The universities/ institutions may conduct such special examination as and when feasible so that the students concernedare not put to any inconvenience or disadvantage. Therefore, the concerns of the Petitioners and the various State Governments have been more than adequately addressed by the UGC. The petitions consequently deserve to be dismissed *in limine*.

## II. PARAGRAPH-WISE REPLY

### A. **REPLY TO W.P. (C) NO. 724 OF 2020 ('PRANEETH K & ORS. V. UNIVERSITY GRANTS COMMISSION & ORS.')**

18. *Reply to paras. 1 to 2 (ix) of the writ petition:*



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That the contents of the said paragraphs in the writ petition are factual in nature and, therefore, do not merit a reply from the UGC at this stage. It is however submitted that the present petition (and those connected therewith) is meritless and ought to be dismissed *in limine* for the reasons set out in the present common counter affidavit.

19. *Reply to paras. 2 (x) to 2 (xiii) of the writ petition:*

That the contents of the said paragraphs in the writ petition are misleading. The Petitioner has sought to give an impression that the Respondent-Govt. of India and UGC took the step(s) described therein arbitrarily, whereas the fact of the matter is that the UGC's revised Guidelines dated 06.07.2020 were the result of careful deliberation and are based on the recommendations of an expert committee consisting of several members. This expert committee was tasked with revisiting the Guidelines (issued on 29.04.2020) as far back as 19.06.2020. Moreover, while the MHRD may have issued the office memorandum & SOPs on 06.07.2020 to facilitate the conduct of final year / terminal semester examinations in the interest of students across the country, the said O.M. itself notes that the detailed SOPs for conduct of examinations had been put through a process of vetting by the Ministry of Health & Family Welfare in the Govt. of India. Therefore, neither the UGC's revised Guidelines, nor the MHRD's O.M. dated 06.07.2020 were arbitrary actions, as alleged or at all. Needless to say, the aforesaid actions, as well that of the MHA in granting exemption for the opening of educational institutions for the purpose of



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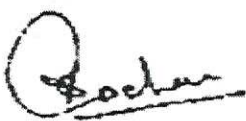
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holding such examinations and evaluation work, were taken expeditiously because the conduct of final year / terminal examinations is a time-sensitive issue.

20. *Reply to paras. 2 (xiv) to 2 (xix) of the writ petition:*

That the contents of said paragraphs of the writ petition which allege arbitrariness or violation of fundamental rights by the Respondents are wrong and baseless. It is vehemently denied that the UGC's Guidelines dated 06.07.2020 (or, for that matter, the MHRD's OM dated 06.07.2020), which require universities / institutions to conduct final year / terminal semester examinations by the end of September 2020 are arbitrary, whimsical, detrimental to the health and safety of students, or otherwise in violation of their fundamental rights under articles 14 & 21 of the Constitution, as alleged or at all. It is humbly submitted that the UGC has issued the impugned Guidelines dated 06.07.2020 to protect the academic and career interests of students while, at the same time, safeguarding their health. The impugned Guidelines are based on the recommendations of experts and have been made after due deliberation by taking into account and balancing all relevant factors. To that end, the impugned Guidelines provide sufficient flexibility to universities / institutions for conducting the final year / terminal semester examinations. It is also wrong to say that students will be 'forced' to appear for such examinations at the cost of their health (or in violation of their right to health) because the UGC's Guidelines permit universities / institutions to hold examinations as a special



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chance for those students who are unable to participate in the examinations that will be held by end of September 2020 for any reason whatsoever. As such, the impugned guidelines and O.M., which are the result of a well considered policy decision, neither violate the fundamental rights of citizens nor are they opposed to the provisions of the Constitution or any statutory provision, nor are they manifestly arbitrary. It is also settled law that Courts of Law do not examine the correctness, suitability and appropriateness of a policy, nor do they intervene in policy decisions either on the ground that a policy is erroneous or on the ground that a better, fairer or wiser alternative is available. In other words, the Petitioners cannot make the wisdom or soundness of UGC's policy decision to issue the revised Guidelines dated 06.07.2020 the subject of judicial review.

21. *Reply to paras. 2 (xx) to 2 (xxi) of the writ petition:*

That, in response to the contents of said paragraphs of the writ petition, it is humbly submitted that since the UGC has issued the revised Guidelines dated 06.07.2020 pursuant to a policy decision to conduct final year / terminal semester examinations in the interest of students across the country, the representation(s) made to the respondents did not merit any action to cancel such examinations.

22. *Reply to grounds A to C of the writ petition:*

That the contents of said paragraphs of the writ petition have already been refuted / dealt with in previous



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paragraphs of the instant common counter affidavit. The same are not being repeated herein for the sake of brevity.

23. *Reply to grounds D& H of the writ petition:*

That the Petitioners' reliance on the decision taken by the CBSE, ICSE and ICAI to cancel their examinations is misplaced and misleading because:

- (a) In those cases (e.g. final order dated 26.06.2020 in *Amit Bathla v. CBSE*, W.P. (C) No 566 of 2020 and final order dated 13.07.2020 in *Anubha Shrivastava Sahai v. The Institute of Chartered Accountants of India of India (ICAI) & Ors.*, W.P. 601 of 2020), the decision to cancel the examinations was a policy decision that was taken by the Board or Institution itself. This Hon'ble Court did not direct the Board / Institution to cancel their examinations or to graduate students based on past performance, as is sought to be done by the Petitioners in the present case.

A copy of this Hon'ble Court's final order dated 26.06.2020 passed in *Amit Bathla v. CBSE*, W.P. (C) No 566 of 2020 is annexed as 'Annexure P/48' in W.P. (C) 739 of 2020 and a copy of this Hon'ble Court's final order dated 13.07.2020 passed in *Anubha Shrivastava Sahai v. The Institute of Chartered Accountants of India of India (ICAI) & Ors.*, W.P. 601 of 2020 is annexed as 'Annexure P/49' in W.P. (C) 739 of 2020.



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- (b) The nature of examinations conducted by CBSE, ICSE or ICAI, which are school-leaving or certificate examinations, are very different from those that are the subject-matter of the UGC's Guidelines. In the present case, the UGC is concerned with final year / terminal semester examinations which will have a lasting and indelible effect on the academic credibility, career opportunities and future progress of the students. In any event, even the ICAI has made clear in its public notice dated 03.07.2020 that students are not exempt from examination, and will have to appear in the November 2020 examinations in lieu of the May 2020 examinations.



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A copy of the ICAI's public notice dated 03.07.2020 is annexed and marked as 'Annexure P/48' in W.P. (C) No. 739 of 2020.

24. *Reply to ground E of the writ petition:*

That the contents of said paragraph of the writ petition are wrong and misleading because the Guidelines dated 29.04.2020 clearly state that universities / institutions should first strive to conduct examinations for intermediate semester / year students. However, "[i]n case the situation does not appear to be normal in view of COVID-19", universities / institutions can grade students based on a composite marking process, and also give students an opportunity to appear in special exams to improve their grades. The Guidelines dated 29.04.2020 also make clear

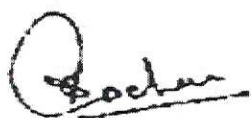


that “[t]his provision for intermediate semester examinations is only for the current academic session (2019-20) in view of COVID-19 pandemic....” In any event, examinations for intermediate years / semesters cannot be put at par with final year / terminal semester examinations. In the former case, students will have further opportunities to appear in examinations since their studies will continue. However, if final year / terminal semester examinations are not held, students will be irreparably harmed because they would have no further opportunity to appear in an examination, which may also have been the final opportunity to improve their performance. The two types of examinations therefore deserve to be treated differently and it would be irrational to exempt students from the final year / terminal semester examinations and to graduate them based on their past performance.

25. *Reply to ground F of the writ petition:*

That, as submitted earlier, the decision of certain State Governments to either cancel the terminal semester/ final year examinations for UG/PG students, and/or to graduate such students and confer degrees without appearing for the final year / terminal semester examinations is contrary to the UGC’s guidelines. Such a decision will directly impact the standards of higher education in the country, which the UGC is mandated to maintain.

26. *Reply to ground G of the writ petition:*



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That the contents of said paragraph of the writ petition are vague and misleading. The UGC has issued the revised Guidelines dated 06.07.2020 after taking a policy decision that cancelling final year / terminal examinations and graduating students on the basis of their past / internal performance will have an adverse, debilitating and life-long effect on the academic and career interests of students. Secondly, it is well known that while there are institutions and entities that may be proceeding with their intake process despite the Covid-19 pandemic, there are also many institutions and entities around the globe who have been compelled to delay their admissions and recruitment processes due to the pandemic. Therefore, contentions such as those in the instant paragraph under reply are over generalized and do not provide a valid basis for impugning the UGC's Guidelines dated 06.07.2020 or the MHRD's O.M. dated 06.07.2020.



27. *Reply to ground I of the writ petition:*

That the contents of said paragraph of the writ petition do not require a reply from the answering respondent, except to say that the present petition (and those connected therewith) is meritless and deserves to be dismissed *in limine*.

28. *Reply to grounds J & L of the writ petition:*

That the contents of said paragraphs of the writ petition have already been refuted / dealt with in previous paragraphs of the present common counter affidavit. The same are not being repeated herein for the sake of brevity.

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29. *Reply to ground K of the writ petition:*

That the contents of said paragraph of the writ petition have been dealt with in response to para. 8.50 of W.P. (C) No. 739 of 2020 ('YuvaSena V. University Grants Commission & Ors.'). The same are not being repeated herein for the sake of brevity.

30. *Reply to ground M of the writ petition:*

That the contents of said paragraph of the writ petition are vague and misleading. The UGC's Guidelines dated 29.04.2020 explicitly note that:

*"The universities have completed the examinations of the odd semester during December- 2019/ January-2020 and the results have been declared. Most of the institutions had already covered 60% to 70% of teaching-learning process for ongoing Even Semester before the dispersal of classes in March, 2020. Further, the remaining part of the curriculum has been attended/ being attended through online mode as the norms of "social distancing" are to be followed by all educational institutions in the interest of the students, faculty and the staff. In fact, the norms of social distance will be required to be maintained by the educational institutions for quite some time, even if the normalcy returns by the first week of May, 2020."*

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In addition, the UGC Guidelines of April 2020 note that:

*"In order to tackle the pandemic COVID-19 in the educational institutions and to ensure continuity in*

*teaching- learning process, MHRD and UGC have issued certain guidelines and advisories from time to time and have taken concrete steps to impart online education by making the best use of e-resources which are available on [www.ugc.ac.in](http://www.ugc.ac.in). The MHRD and the UGC have been emphasizing to continue with the teaching-learning process using online modes such as Google Classroom, Google Hangout, Cisco Webex Meeting, You Tube Streaming, OERs, SWAYAM Platform and SWAYAMPBHA (available on Doordarshan (Free dish) and Dish TV), etc. The faculty members have contributed a lot for the benefit of students during the lockdown period by using a number of tools like WhatsApp groups, other social media tools and emails. But the students also expect that the faculty must maintain a “substantive contact” with them. So, even after posting the lecture material online, teachers need to maintain communication with the students and discuss course material with them on a regular basis.”*



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Therefore, the UGC's Guidelines dated 29.04.2020 duly recognized the extent of the teaching-learning process that had been completed until then, as also the efforts that have been made by the MHRD / UGC and educational institutions to complete the teaching-learning process during the pandemic. In addition, the UGC's revised Guidelines of July 2020 have provided universities / institutions a sufficient time-frame of three months to plan and hold final year / terminal semester examinations. As such, universities / institutions were expected to complete



their teaching-learning process using alternate means and to conduct the final year / terminal semester examinations.

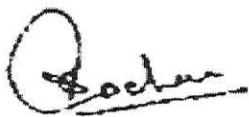
31. *Reply to grounds N to R of the writ petition:*

That the contents of said paragraphs of the writ petition have already been refuted / dealt with in the preliminary submissions and elsewhere in the paragraph-wise replies in the present common counter affidavit. The same are not being repeated herein for the sake of brevity.

32. *Reply to ground S of the writ petition:*

That the contents of said paragraph of the writ petition are wrong and are hence denied. It is humbly submitted that the UGC's Guidelines dated 29.04.2020 mentioned presentation/assignment-based assessments in the context of the overall examination process in which such assessments form part of a university / institution's internal assessment component that accounts for 20-30% of a student's overall grades. However, in so far as final year / terminal semester examinations are concerned (which account for the balance 70-80% of the grades), the Guidelines of April 2020 make clear that such examinations must be timed (between 2 to 3 hours) so as to maintain the quality and sanctity of the testing process.

Moreover, the UGC's revised Guidelines dated 06.07.2020 require such final year / terminal semester examinations to be held either in offline (pen & paper), online, or blended (online + offline) mode. Therefore, it is wrong to say that final year / terminal semester examinations can be held through presentation-based assessments.



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33. *Reply to grounds T to CC of the writ petition:*

That the contents of said paragraphs of the writ petition have already been refuted / dealt with in the preliminary submissions and elsewhere in the paragraph-wise replies in the present common counter affidavit. The same are not being repeated herein for the sake of brevity.

34. *Reply to ground DD of the writ petition:*

That, in response to said paragraph of the writ petition, it is humbly reiterated that the UGC has emphasized the need to conduct terminal/ final examinations, be it in the form of programme-ending terminal semester examination or final annual examination, because it is a crucial step in the academic career of a student. It is submitted that not only is such a programme-ending examination the last opportunity for a student to improve or better his academic record, such examinations are also accorded considerable importance by the academy and industry.



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35. *Reply to grounds EE to LL of the writ petition:*

That the contents of said paragraphs of the writ petition have already been refuted / dealt with in the preliminary submissions and elsewhere in the paragraph-wise replies in the present common counter affidavit. The same are not being repeated herein for the sake of brevity.

36. *Reply to para. 4 of the writ petition:*

That the contents of said paragraph of the writ petition does not require a reply from the answering respondent.

37. *Reply to paras. 5 to 7 of the writ petition:*

That the contents of said paragraph of the writ petition are wrong and baseless for the reasons set out in the present common counter affidavit, and are hence denied.

38. *Reply to para. 8 of the writ petition:*

That the contents of said paragraph of the writ petition are denied for want of knowledge. The Petitioners are put to strict proof of the same.

39. *Reply to para. 9 of the writ petition:*

That, therefore, the Petitioners are not entitled to any of the reliefs sought in the present petition.

40. That, for the sake of brevity, the answering respondent / UGC craves leave to respond to only those paragraphs of the pleadings in W.P. (C) No. 746 of 2020, W.P. (C) No. 739 of 2020, and W.P. (C) No. 745 of 2020 which have not otherwise been refuted or dealt with in the preliminary submissions and paragraph-wise replies above. The paragraph-wise replies below may therefore be read in conjunction with the replies above.



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**B. REPLY TO W.P. (C) NO. 746 of 2020 ('YASH DUBEY V. UNION OF INDIA')**

41. *Reply to ground C of the writ petition:*

That the contents of said paragraph of the writ petition are misleading. It is submitted that the UGC's Guidelines

dated 06.07.2020 grant universities / institutions the flexibility to conduct their final year / terminal semester examinations in online, offline (pen & paper) or blended (online + offline) mode precisely for the reason that online examinations may not be feasible in the case of every university / institution. In fact, even in its Guidelines dated 29.04.2020, the UGC recognized this fact when it observed as follows:

*“Like the modes of teaching-learning, most of the universities follow the physical mode of examinations, with a few exceptions. On this aspect also, some of the universities lack adequate IT infrastructure for conducting online examinations. The hiring of private agencies for conducting online examinations also does not seem feasible in view of the fact that examinations are to be conducted simultaneously by all the universities. Therefore, keeping in view the basic infrastructure available at the level of the institutions and accessibility of internet to the students, especially in remote areas, it is not feasible to uniformly adopt the online mode of examination at this juncture.”*



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Therefore, it is wrong to insinuate that the UGC has not taken into account the practical difficulties that may be faced by institutions and students while issuing the impugned revised Guidelines dated 06.07.2020.

**C. REPLY TO W.P. (C) NO. 739 of 2020 ('YUVA SENA V. UNIVERSITY GRANTS COMMISSION & ORS.)**



42. *Reply to paras. 3 & 8.53 of the writ petition:*

That the contents of said paragraphs in the writ petition are wrong and baseless, and are hence denied. It submitted that the impugned revised Guidelines dated 06.07.2020 do not depart from (or supersede) the Guidelines dated 29.04.2020, as alleged or at all. On the contrary, the revised Guidelines dated 06.07.2020 have been issued “[i]n continuation to earlier Guidelines issued on 29.04.2020” to specify, *inter alia*, that the final year / terminal semester examinations (which were already mandated in the earlier Guidelines of 29.04.2020 in the month of July 2020) should now be completed by the end of September 2020 in offline (pen & paper)/ online / blended (online + offline) mode following the prescribed protocols/ guidelines related to the Covid-19 pandemic, and that there would be a provision for examination through special chance. Therefore, the revised Guidelines dated 06.07.2020 do not deviate from the Guidelines dated 29.04.2020; rather, they supplement the earlier Guidelines of April 2020.



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It is also wrong to say that the revised Guidelines dated 06.07.2020 have “created great confusion and fear in the minds of students”; that they were issued “in ignorance of the rising cases of COVID-19”; that they “have not taken into account the consequent risk of life to which the students writing examinations would be exposed to”; or, that they “are also ignorant of the social distancing norms”. Firstly, such “confusion” or “fear” if any has

been created by certain authorities that have unilaterally chosen to cancel final year / terminal semester examinationseven though holding such examinations would clearly be in the interest of the students. Secondly, a bare reading of the revised Guidelines dated 06.07.2020 would show that: (a) the UGC had requested the expert committee to revisit the Guidelines dated 29.04.2020 “as the number of COVID cases are still rising and likely to increase further”; (b) the revised Guidelines were issued consequent to a policy decision that, while “it is important to safeguard the principles of health, safety, fair and equal opportunity for students”, “[a]t the same time, it is very crucial to ensure academic credibility, career opportunities and future progress of students globally”; and, (c) the revised Guidelines clearly recognize the need to follow the protocols/guidelines/directions/advisories issued in respect of the Covid-19 pandemic and must be read along with the detailed Standard Operating Procedures (SOPs) that have been prepared by the MHRD for conducting such examinations. These detailed SOPs were circulated by the UGC vide letter dated 08.07.2020 (marked as Annexure P-6 in the instant writ petition) and it is entirely wrong to vaguely claim, as in para. 8.6 of the petition, that these SOPs are “almost impossible to maintain / implement”. In fact, as submitted earlier, the revised Guidelines have granted universities/institutions across the country an extended time period until the end of September 2020 to complete final year / terminal semester examinations precisely so that they have sufficient time to adequately plan and hold examinations in light of the evolving



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situation of the Covid-19 pandemic in different parts of the country. Lastly, it is wrong to say that the revised Guidelines “have been issued despite the admitted and undisputable difficulties in conducting online examinations by most universities” because the said Guidelines give sufficient flexibility to universities/institutions to conduct the examinations in online, offline (pen & paper) or blended (online + offline) mode. In fact, it is noteworthy that, based on the information regarding conduct of examinations which has been obtained by the UGC from 818 universities (out of a total of 945 universities), it emerges that 603 universities have either already conducted examinations (i.e. 209 universities) or are in the process of conducting examinations during August-September, 2020 (i.e. 394 universities). In addition to these 818 universities, there are 35 new universities where the first batch is yet to become eligible for final examinations.

43. *Reply to para. 8.50 of the writ petition:*

That, in response to said paragraphs of the writ petition, the UGC humbly submits that specialized institutions such as the IITs / IIMs etc. have a different process of assessment/ evaluation than those in traditional universities/institutions under the jurisdiction of the UGC. In the latter, internal assessments account for 20-30% of a student's overall grades whereas final year / terminal semester examinations account for the balance 70-80% of the grades. It is for this reason that the Guidelines of April 2020 make clear that such final year / terminal semester examinations must be timed (between 2 to 3 hours) so as to



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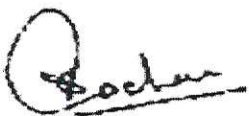
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maintain the quality and sanctity of the testing process which serves as evidence of a student's knowledge and learning.

44. *Reply to grounds D& I of the writ petition:*

That the contents of said paragraphs in the writ petition are wrong and are hence denied. As submitted earlier, the revised Guidelines have granted universities/institutions across the country an extended time period of three months, i.e. until the end of September 2020, to complete final year / terminal semester examinations precisely so that they have sufficient time to adequately plan and hold examinations in light of the evolving situation of the Covid-19 pandemic in different parts of the country. The deadline of 30.09.2020 was fixed after taking into account the state of affairs regarding the pandemic across the country and, based on the experience of experts, a reasonable estimate of the time period that universities / institutions would require to prepare for final year / terminal semester examinations. Therefore, it is wrong to say that there is no nexus whatsoever between the mandate of the expert committee which revisited the Guidelines dated 29.04.2020 and the resulting revised Guidelines dated 06.07.2020. In any event, it is settled law that the choice of a date / deadline, such as that of end-September 2020 in the present case, cannot be considered arbitrary when it is seen that a line or a point there must be and there is no mathematical or other way of fixing it precisely.



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45. *Reply to grounds H& Y of the writ petition:*

That the contents of said paragraphs of the writ petition are wrong and misleading, and are hence denied. As submitted earlier, final year / terminal semester examinations were already mandated in the earlier Guidelines of 29.04.2020 in the month of July 2020, which are now to be completed by the end of September 2020 in offline (pen & paper)/ online / blended (online + offline) mode following the prescribed protocols/ guidelines related to the Covid-19 pandemic. In addition, universities / institutions can provide for examination through special chance for those students who are unable to appear for such examinations for whatsoever reason. Thus, it is wrong to say that the Guidelines dated 29.04.2020 “contemplated the situation/ possibility that no examination would be conducted at all in view of the COVID-19 pandemic,” or that the revised Guidelines are “unfair and impossible for execution”. Moreover, as also submitted earlier, along with the revised Guidelines dated 06.07.2020, the MHA has also agreed to the request of MHRD and granted exemption for the opening of educational institutions for all the purpose of holding examinations /evaluation work for the final term examinations of universities / institutions. According to the MHA’s communication, the final year / terminal semester examinations are to be compulsorily conducted as per the UGC’s Guidelines dated 29.04.2020 and 06.07.2020. Consequently, the decision of certain State Governments to either cancel the terminal semester/ final year examinations for UG/PG students, and/or to graduate such students and confer degrees without appearing for the



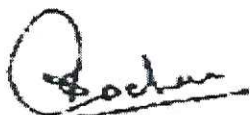
Dr. Nikhil  
Kumar

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Dokumentes  
Ort:  
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final year / terminal semester examinations is contrary to the UGC's guidelines and will directly impact the standards of higher education in the country.

46. *Reply to grounds O & X of the writ petition:*

That the contents of said paragraphs of the writ petition are wrong and baseless, and are hence denied. It is submitted that the expert committee that was tasked with revisiting the UGC's Guidelines dated 29.04.2020 was primarily concerned with the conduct of final year / terminal semester examinations. To that end, the committee recommended a firm deadline and the modes for conducting such examinations, which was accepted by the UGC. Universities / institutions are thereafter expected to declare the results as expeditiously as possible. In addition, the revised Guidelines dated 06.07.2020 states that "[t]he relevant details, if need be, pertaining to the Admissions and Academic Calendar in the universities and colleges shall be issued separately in place of those mentioned in the earlier guidelines issued on 29<sup>th</sup> April, 2020." Therefore, the future academic calendar is already part of the Guidelines dated 29.04.2020, and the same can be revisited by the UGC if required.



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Dokumentes  
On:  
Datum: 2020-07-30 11:22:55:30

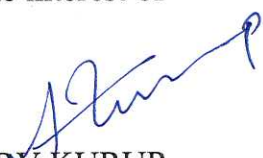
**D. REPLY TO W.P. (C) NO. 745 OF 2020 ('KRUSHNA GOVIND WAGHMARE V. UNIVERSITY GRANT COMMISSION & ORS.)**

47. *Reply to ground J of the writ petition:*



The contents of said paragraph of the writ petition have already been refuted / dealt with in reply to ground M of W.P. (C) No. 724 of 2020 (titled 'Praneeth K & Ors. v. University Grants Commission & Ors.'). The same are not being repeated for the sake of brevity.

48. That, in view of the above, the prayer(s) sought in said writ petitions deserve to be dismissed.
49. That the present affidavit is bona-fide and in the interest of justice.

  
 APOORV KURUP

COUNSEL FOR RESPONDENT NO. 1 (UGC)

DATED: 30.07.2020

NEW DELHI

 Dr. Nikhil  
Kumar

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 Ort:  
 Datum: 2020-07-30 11:23+05:30



DEPONENT

### VERIFICATION:

I, the above named deponent, do hereby verify that the facts stated in the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed therefrom.

Verified at New Delhi, on the 30th day of July, 2020.

  
 DEPONENT

 Dr. Nikhil  
Kumar

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**UNIVERSITY GRANTS COMMISSION  
BAHADUR SHAH ZAFAR MARG  
NEW DELHI**

**UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003.**

*(In supersession of Notification No. F.1-117/83(CP) dated 25th November 1985, Notification No.F.1-117/83(CPP) dated 30th May 1986 and Notification No.F.1-117/83(CP) dated December 1998)*

In exercise of the powers conferred by clause (f) of sub-section (1) of Section 26 of the UGC Act 1956 (No. 3 of 1956), the University Grants Commission makes the following Regulations, namely:

1. Short title, application and commencement:

- 1.1 These Regulations may be called the University Grants Commission (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003
- 1.2 These shall apply to all universities established or incorporated by or under a Central Act, a Provincial Act, or a State/Union Territory Act, and all institutions recognized by or affiliated to such Universities and all institutions deemed to be universities under Section 3 of the UGC Act 1956.
- 1.3 These shall come into force from the date of their publication in the official Gazette.

2. Admission:

- 2.1 No student shall be eligible for admission to a first degree programme in any of the faculties unless he/she has successfully passed the examination conducted by a Board/University at the +2 level of schooling (either through formal schooling for 12 years, or through open school system) or its equivalent.
- 2.2 The admission shall be made on merit on the basis of criteria notified by the university, keeping in view the guidelines/norms in this regard issued by the UGC and other statutory bodies concerned and taking into account the reservation policy issued by the government concerned from time to time.
- 2.3 Student enrollment shall be in accordance with the academic and physical facilities available keeping in mind the norms regarding the student-teacher ratio, the teaching-non-teaching staff ratio, laboratory,



library and such other facilities. The in-take capacity shall be determined at least six months in advance by the university/institution through its academic bodies in accordance with the guidelines/norms in this regard issued by the UGC and other statutory bodies concerned so that the same could be suitably incorporated in the admission brochure for the information of all concerned.

- 2.4 Depending upon the academic and physical facilities available in the institutions, the university may allow an institution to admit a certain number of students directly to the second year of a first degree programme, if the student has either (a) successfully completed the first year of the same programme in another institution, or (b) already successfully completed a first degree programme and is desirous of and academically capable of pursuing another first degree programme in an allied subject.

### 3. Teacher:

- 3.1 No person shall be appointed to a teaching post if he/she does not fulfill the minimum qualifications prescribed for recruitment as per the Regulations in this regard notified from time to time under Section 26 (1)(e) of the UGC Act 1956.
- 3.2 Every teacher shall participate in teaching, which may include any or all of the following: lectures, tutorials, laboratory sessions, seminars, fieldwork, projects and other such activities.
- 3.3 Every teacher shall also give general assistance to students in removing their academic difficulties; and participate in the invigilation and evaluation work connected with tests/examinations; and take part in extra-curricular, co-curricular and institutional support activities as required.
- 3.4 The workload of a teacher shall take into account activities such as teaching, research and extension, preparation of lessons, evaluation of assignments and term papers, supervision of fieldwork as also guidance of project work done by the students. The time spent on extension work, if it forms an integral part of the prescribed course, shall count towards the teaching load. The total workload and the distribution of hours of workload for the various components shall be in accordance with the guidelines issued by the UGC and the other statutory bodies concerned in this regard from time to time.

### 4. Working Days:

- 4.1 Every university enrolling students for the first degree programme shall ensure that the number of actual teaching days on which classes such as

lectures, tutorials, seminars, and practicals are held or conducted is not less than 180 in an academic year, excluding holidays, vacations, time set apart for completing admissions and time required for conduct of examinations.

- 4.2 The timetable on working days shall be so drawn up that the physical facilities are adequately utilized and not used only for a few hours in a day.
- 4.3 The total periods provided for contact teaching shall not be less than 30 hours a week.
- 4.4 The time provided for practicals, field work, library, utilization of computer and such other facilities, shall not be less than 10 hours a week.

#### 5. Syllabus:

- 5.1 Depending upon the curricular pattern, whether the university follows the annual system, the semester system or the trimester system, the entire syllabus of the programme shall be divided into suitable courses spread evenly for the duration of the programme.
- 5.2 The university shall endeavour to introduce a cafeteria approach by working out the division of the entire syllabus of the programme into courses in such a manner that a student can choose the number of courses according to his/her requirements.
- 5.3 The university shall not only lay down the syllabus for each course, but also the manner of its implementation, namely, through lectures, tutorials, laboratory sessions, seminars, field work, projects and such other activities.
- 5.4 Depending upon its nature and level, a course may be assigned a certain number of credits. The credits assigned to the various courses shall also be indicated in the respective syllabuses. The system of credits shall be in accordance with the guidelines of the UGC and other statutory bodies concerned.
- 5.5 The syllabus for each course shall also indicate the scheme of evaluation/ examination.
- 5.6 The students shall be encouraged to study some part of the syllabus themselves and shall be given assignments, so as to make use of the library, laboratory, internet and such other faculty

5.7 The total workload on a student shall also be adequate so as to provide him/her sufficient academic involvement

5.8 The minimum number of lectures, tutorials, seminars and practicals which a student shall be required to attend for eligibility to appear at the examination shall be prescribed by the university, which ordinarily shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals, and any other prescribed requirements.

6. Examination and Evaluation:

6.1 The university shall adopt the guidelines issued by the UGC and other statutory bodies concerned from time to time in respect of conduct of examinations.

6.2 The units of evaluation, namely, tests, seminars, presentations, class performance, field work, and the like and the weightage assigned to each of such units in respect of each course shall be determined by the appropriate academic body of the university, and shall be made known to the students at the beginning of the academic session of the year, the semester or the trimester, as the case may be.

6.3 The nature of final examination, whether written or oral or both, in respect of each course shall also be made known to the students at the beginning of the academic session.

6.4 There shall be continuous sessional evaluation in each course in addition to trimester/semester/year-end examinations, and the weightage for sessional evaluation and examination in respect of each course shall be prescribed by the appropriate academic body, and made known to the students at the beginning of the academic session.

6.5 If the university follows grading system, it shall work out and adopt a table of conversion of grades into percentages and vice-versa.

6.6 If the fieldwork or project work is prescribed as an integral part of a course, the weightage assigned to it should reflect the time spent on it.

6.7 The question papers for the examinations shall be set in such a manner as to ensure that they cover the entire syllabus of the concerned course.

6.8 The tests and examinations shall aim at evaluating not only the student's ability to recall information, which he/she had memorized, but also his/her understanding of the subject and ability to synthesize scattered



bits of information into a meaningful whole. Some of the questions shall be analytical and invite original thinking or application of theory.

- 6.9 While the actual process of evaluation shall be confidential, the system of evaluation shall be sufficiently transparent, and a student may be given a photocopy of his/her answer paper, if requested as per procedure laid down in this regard.

## 7. Physical Facilities:

- 7.1 Every university shall lay down the norms in respect of classrooms, laboratories, library, sports and health facilities, hostel accommodation, canteen/ cafeteria and such other facilities. All the institutions admitted to its privileges shall adhere to the same. While prescribing the norms for such facilities as a condition for affiliation, the university shall keep in view the guidelines/norms issued by the UGC and other statutory bodies concerned.
- 7.2 The lecture classes shall normally have not more than 60 students, unless, in special cases, the institution has accommodation for larger classes and makes suitable audio-visual arrangements for effective lecturing accompanied by tutorial classes.
- 7.3 For tutorials, a group shall not ordinarily be more than 20 students.
- 7.4 For laboratory sessions, the size of a group shall depend upon the size of the laboratory, its type related to the specificity of the subject, the facilities available including the possibility or otherwise of controlling and supervising a number of students simultaneously through a central control panel, and such other devices. The ideal number of students for a normal laboratory session in subjects like Physics, Chemistry and Biology is 15. The number for Computer lab, Language lab, etc. may be higher or lower, depending upon the factors referred to above.
- 7.5 The norms laid down by the concerned statutory body shall be followed in the case of laboratories in the professional courses.

## 8. Award of Degrees:

- 8.1 No student shall be eligible for the award of the first degree unless he/she has successfully completed a programme, of not less than three years duration and secured the minimum number of credits prescribed by the university for the award of the degree.
- 8.2 The degree to be awarded may be called the bachelor's degree in the respective discipline in accordance with nomenclature specified by the UGC under Section 22 (3) of the UGC Act.

9. Information:

Every university shall furnish to the UGC information relating to the observance of the provisions of these Regulations in the form prescribed for the purpose. The information shall be supplied to the UGC within 60 days of the close of the academic year.

(Prof. Ved Prakash)  
Secretary

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A. NO. \_\_\_\_ OF 2020

IN

WRIT PETITION (CIVIL) NO. 724 OF 2020

**IN THE MATTER OF:**

PRANEETH K AND ORS. ...PETITIONER

VERSUS

UNIVERSITY GRANTS ...RESPONDENTS

COMMISSION & ORS.

**APPLICATION FOR EXEMPTION FROM FILING DULY  
NOTARIZED COUNTER-AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH:**

1. That the present petition has been filed by the Petitioner(s) *inter-alia* seeking challenging the Guidelines dated 06.07.2020, vide which the Respondent No. 1 (UGC) therein has directed the universities/colleges to conduct terminal semester/ final year Examinations by September 2020.
2. That this Hon'ble Court vide order dated 27.07.2020 directed the Applicant (UGC) herein to file a counter-affidavit in W.P. (C) Nos. 724 of 2020 & connected matters (i.e. W.P. (C) No. 739 of 2020, W.P. (C) No. 745 of 2020 and W.P. (C) No. 746 of 2020) and further directed to list the matter on 31.07.2020.
3. That, due to the ongoing Covid-19 pandemic, the



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Applicant (UGC) herein has not been able to duly notarize the counter-affidavit (dated 30.07.2020) sought to be filed in present petition(s). Therefore, the Applicant (UGC) seeks liberty of this Hon'ble Court to file the counter-affidavit (dated 30.07.2020) without notarization in the present petition. That the Applicant (UGC) undertakes to file the duly notarized counter-affidavit (dated 30.07.2020) as soon as the normal court functioning resumes.

4. That the present application is *bonafide* and in the interest of justice.

PRAYER

The Applicant, therefore, most respectfully prays that this Hon'ble Court may be pleased to:

- a) Allow the present application and permit the Applicant/ UGC to file the counter-affidavit (dated 30.07.2020) without notarization;
- b) Pass such further or other orders as this Hon'ble Court may deem fit, just and necessary in interest of justice.

FOR THIS ACT OF KINDNESS YOURS, THE HUMBLE APPLICANT AS ARE DUTY BOUND SHALL EVER PRAY,



APOORV KURUP

COUNSEL FOR APPLICANT (UGC)

DATED: 30.07.2020

NEW DELHI

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A. NO. \_\_\_\_ OF 2020

IN

WRIT PETITION (CIVIL) NO. 724 OF 2020

IN THE MATTER OF:

PRANEETH K AND ORS. ...PETITIONER

VERSUS

UNIVERSITY GRANTS ...RESPONDENTS  
COMMISSION & ORS.

**AFFIDAVIT**

I, Dr. Nikhil Kumar, aged about 38 Years, working as Education Officer in the University Grants Commission (Applicant herein), presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am conversant with the facts and circumstances of the case and as such am competent and duly authorized to swear the instant affidavit on behalf of the Applicant/ UGC herein.



Dr. Nikhil  
Kumar

Digital signiert von Dr. Nikhil  
Kumar  
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gn=Dr. Nikhil Kumar o=Andorra  
[=AD o=University Grants  
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ou=Education Officer  
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Grund: Ich bin der Autor dieses  
Dokumentes

- 47
2. That the accompanying application [I.A.s] has been drafted under my instructions. I have read and understood the contents of said application, and I admit it as correct to my knowledge and belief based on the records of the case.



Dr. Nikhil  
Kumar

DEPONENT

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Grund: Ich bin der Autor dieses  
Dokumentes

### VERIFICATION

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhithis the 30th day of July, 2020



Dr. Nikhil  
Kumar

DEPONENT

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