

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi**

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[Vested with powers of Civil Court under the Rights of Persons with
Disabilities Act, 2016]

Case No. 8/1033/2017/10 /2135-2136

Dated: 07.05.2019

In the matter of:

.....Complainant

Versus

The Registrar,
Guru Gobind Singh Indraprastha University,
Sector-16/C, Dwarka,
New Delhi-110078.

.....Respondent

Order

The above named complainant, a person with 40% disability due to dyslexia vide her complaint dated 20.10.2017 submitted that she was failed intentionally in Town Planning paper of B.Arch 4th year (2016-2017). She further submitted that the answer sheet of all the students of the said paper including her answer sheet contained the same answers. While other students were declared pass, she was declared fail. She requested for proper Investigation by perusing the answer sheets of all the students (internal and external exams) which would prove discrimination against her. She also requested to restrain destruction of the answers sheets.

2. The complaint was taken up with the respondent under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act, vide show cause-cum-hearing notice dated 20.10.2017 with the direction to the respondent to produce the answer sheets of all the students of B. Arch 4th year 2016-2017 Town planning paper (Internal and External) on the date of hearing.

3. During the hearing on 22.11.2017, Ms. Shaili Srivastav, Associate Professor, Vastukala Academy College of Architecture, where the complainant was studying, produced the answer sheets of 29 candidates alongwith the break-down of internal evaluation sheets (4th Year-B) Session 2016-17. She submitted that the complainant obtained 68% marks and did not fail in internal evaluation. She also produced the answer sheets of the class test of the paper 'Transport and Housing' in which complainant obtained 27 marks out of 50. Since her allegation was that all the students including herself copied but she and her group were discriminated, the answer sheets of the complainant and Ms. Nikita Bajaj who, according to her, was in her group while copying, were compared. It was found that the answers written by the both of them were similar and marks obtained were also same i.e. 27. It was almost apparent that they had written the same answers.

4. The complainant could not give the names of other students in the group as she did not know who was sitting where. However, she stated that as the examination was conducted under the surveillance of CCTV Camera, its footage should be examined. By doing so, it could be ascertained whether she and her group were given less marks for the same answer. She also alleged that people in the college / university taunted her and pointed to her being dyslexic. If she was treated like normal students, she would have performed better.

5. It was observed that it was for the University / concerned college to investigate the issue of cheating, this Court would limit itself to ascertain whether the complainant was failed intentionally and discriminated on the ground of her disability.

6. Ms. Shikha Agarwal, Incharge, Result(IV), Assistant Registrar, GGS Indraprastha University produced the answer sheets of external paper (Code AP412), Town Planning examination held in May 2017 in respect of 291 candidates. She submitted that the complainant got 25 marks out of 75 as per the result. She further submitted that each answer sheet was coded and examiner could not have known the name of the any student while checking it. Hence there could not be possibility of discrimination against the complainant. The representatives of the University stated that they were not aware whether the CCTV recording of the examination was done or not. However, if the same was done, it may have been done by the concerned examination centre i.e. New Delhi Institute of Management, 61 Tugalakabad Institutional Area, Near Batra Hospital, New Delhi-62.

7. After hearing the parties were directed as under:-

- (i) *“Respondent University shall ascertain whether the CCTV recording of the internal and external examination was done. If so, the same be procured and examined whether there were instances of mass cheating as alleged by the complainant and whether the complainant was given less marks than other students who had written similar answers. This be done by a Committee of 03 subject teachers who will submit a report by 25.12.2017. A random check will be carried out during the hearing.*
- (ii) *The CCTV footage be shared with the complainant who will submit the list of candidates who were sitting in the group alongwith her.*

- (iii) *The complainant who claimed that she also has done some recordings, may produce the same to substantiate her allegations on the next date of hearing.*
- (iv) *The answer sheets be retained till disposal of this complaint and be produced on the next date of hearing on 30.12.2017”.*

8. Assistant Registrar & Incharge Result (1) vide letter dated 26.12.2017 informed that New Delhi Institute of Management (External Examination) did not have any CCTV facility. And hence no CCTV footage was available. Vastu Kala Academy where the complainant was admitted (internal examination) informed that their CCTV cameras are of low resolution and have no facility to preserve the data beyond a week. Hence the footage of the period of time when the class test was conducted, was not available.

9. On the next date of hearing on 05.01.2018, the complainant vide her email requested for rescheduling the hearing after March, 2018 as she had to finish her internship of B.Arch. and the hearing was scheduled on 04.04.2018.

10. During the hearing on 04.04.2018, the representatives of the respondent informed that the complainant has already cleared Town Planning exam and she was doing internship. Professor Shelly Srivastav also produced the answer sheets in support of her contention that no discrimination was meted out to the complainant. Rather there is evidence of positive discrimination in favour of the complainant.

11. The complainant stated that she did not receive the copies of the reply of the respondent, which were given to her. She also did not have the video clip referred to in para 4(iii) of the Record of Proceedings of hearing held on 22.11.2017. She however stated that she had sent

some video clips to the University through e-mail which she tried to show during the hearing. However, it did not open.

12. After hearing the parties, the complainant was advised to concentrate on her studies as only three months were left to complete B.Arch. Professor, Shelly Srivastav assured of extending all possible support and reasonable accommodation to the complainant during her studies. She was given the opportunity to submit her comments, if any by 10.05.2018.

13. As comments were not received from the complainant, an email dated 24.05.2018 was sent to her to submit the same by 10.06.2018. Vide her email dated 10.06.2018 she requested extension of 30 days to submit her comments.

14. Complainant was also contacted many times on her given telephone but no communication have been received from her till date. In the view of this, the complaint is disposed of.

15. Given under my hand and the seal of the Court this 06th day of May 2019.

(T.D.Dhariyal)
State Commissioner for Persons with Disabilities