

Case :- MISC. SINGLE No. - 7981 of 2020

Petitioner :- Tarun Singh Thru. Mother Smt. Sangya Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Higher Edu. Lko & Others

Counsel for Petitioner :- Randhir Singh,Deependra Pratap Singh,Huzoor Alam Alvi

Counsel for Respondent :- C.S.C.,Alok Saran

Hon'ble Dinesh Kumar Singh,J.

1. This matter has been taken up after the Hon'ble Senior Judge has granted permission for taking up the matter treating it to be urgent on an application filed by the petitioner. In view of the prevailing pandemic COVID-19, the case has been heard through the facility of video conferencing.

2. On behalf of respondents no.1, 4 and 5, Sri Ran Vijay Singh, learned Additional Chief Standing Counsel has appeared, while on behalf of respondents no.2 and 3 Sri Alok Saran, Advocate has put in appearance and have accepted notice.

3. The petitioner is a student of LLB (Fourth Semester) in Babu Banarsi Das University, Lucknow. He has been lodged in jail being an accused in F.I.R. No.311 of 2020, under Sections 302 and 427 IPC, Police Station Gomti Nagar, Lucknow. The University has suspended the petitioner and his physical entry in the University is banned. In view of the prevailing situation because of the pandemic COVID-19, the University has decided to take online quiz examinations for internal assessment, which started from 4th May, 2020.

4. Sri Alok Saran, learned counsel for the University has informed that out of the three quiz, best of the two would be considered for internal assessment. The first quiz has already got over on 7.5.2020. The second quiz has started today. The petitioner moved the University on 3.5.2020 for permitting him to appear in online quiz. The University has granted him permission on the same day to appear in the online quiz examination. Sri Saran has further submitted that since the petitioner has missed first quiz, he would be assessed on the basis of the two remaining quizzes. He has consented to re-schedule of today's quiz examination for the petitioner and the University will inform the petitioner accordingly.

5. Learned counsel for the petitioner has submitted that two co-accused had approached this Court for similar prayer in two writ petitions being Writ Petition Nos.7960 (MS) of 2020, Vimal Singh Vs. State of U.P. and others, and 7972 of 2020, Abhishek Pandey Vs. State of U.P. and others. He has submitted that two petitioners in the aforesaid petitions have been granted permission by this Court to appear in online quiz examination from jail and, the jail authorities have been directed to facilitate them for appearing in the examination. He has, therefore, prayed that the petitioner may also be provided the similar facility for appearing in the online quiz examination.

6. Sri Ran Vijay Singh, learned Additional Chief Standing Counsel, however, submits that the jail does not have adequate Laptops and Computers to be made available to the petitioner. However, if the petitioner can arrange his own Laptop for appearing in the examinations, the same would be permitted by the jail authorities and, the jail would provide the internet facility for the same. He has further submitted that after appearing in the online quiz examination, the Laptop would be deposited in the office of the Senior Superintendent of District Jail. The schedule of quiz examination has been annexed with the petition as Annexure-6. Second and third quiz examinations would start from 8.5.2020 and will be over on 16.5.2020.

7. Having considered the submissions advanced by the learned counsels for the parties and after considering the two orders passed by this Court, the present petition is being disposed of at this stage itself.

8. In view of the aforesaid, it is hereby provided that someone from petitioner side will handover a Laptop with Charger to the office of the Senior Superintendent of District Jail, Lucknow today and the Senior Superintendent of District Jail, Lucknow will ensure the internet facility to the petitioner only for the purposes of appearing in the online quiz examination, which is scheduled to be held from today i.e. 8.5.2020. After online quiz examination is over, the Laptop shall be taken from the petitioner and be kept in the office of the Senior Superintendent of District Jail, Lucknow and he would be given the same again for appearing in the remaining second and third online quiz examinations. The University will re-schedule today's quiz examination for the petitioner and it will inform the same to the petitioner accordingly. The Senior Superintendent of District Jail, Lucknow shall ensure that the petitioner does not misuse the

facility and he uses the same for quiz examinations from 9.5.2020 to 16.5.2020 and for rescheduled quiz examination of 8.5.2020.

9. Sri Ran Vijay Singh, learned Additional Chief Standing Counsel is directed to communicate this order to the Senior Superintendent of District Jail, Lucknow.

10. With the aforesaid direction and observation, this petition stands ***disposed of finally.***

Order Date :- 8.5.2020

Rao/-