

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 1st February 2022

P.C.:

1. Heard learned counsel for the parties.
2. The main relief applied for in both these petitions instituted by the students was for deferring the examinations to be held offline having regard to the Covid Pandemic situation prevailing in the State of Goa. On 13.01.2022, this Court made an order requesting the Goa University to look into the concerns expressed by the petitioners.
3. Professor Vishnu S. Nadkarni, the Registrar of Goa University has filed a detailed affidavit before us. In the affidavit, he has referred to the constitution of a High-Level Committee comprising *inter alia* of medical experts to make recommendations for the conduct of examinations offline. The report of the High-Level Committee has been placed on record at Exhibit R12 (page 461 onwards in the paper book).
4. The High-Level Committee has made the following recommendations:

“Recommendations of the Committee

1. *Considering all the above factors, the Committee unanimously agreed that the Examinations scheduled in February 2022 for Final Year Students should be conducted in OFFLINE mode and made further recommendations as under.*

2. *In view of the trajectory of the Covid - 19 pandemic and predictions, election duty assigned to the teachers and staff of the Affiliated Colleges and the requirement to conduct examinations without too much of delay, it was recommended that the offline examinations be scheduled from February 16, 2022 onwards except in the case of medical programmes which may start as per schedule in the first week of February.*

3. *Students' safety shall be given priority and the following provisions shall be made and followed:*

a) *All the SOPs and Covid Prevention Protocols shall be followed while conducting the examinations.*

b) *For Engineering Examinations, to avoid too many students of different branches coming to the College on the same day/time for the examination, the time table shall be suitably modified so that number of students attending at any given time is reduced.*

c) *For the students who are ill or if any of whose family members are ill/have tested Covid Positive, or for students with any co-morbid condition, separate seating arrangements (isolated) shall have to be made for each of these categories of students, wherever the College infrastructure permits it. Otherwise, these*

students may be asked to appear for the Special Examination to be held later on.

d) The provision for the Special Examination as notified by the University shall remain in force for all students who are unable to appear for the examination.”

5. In the context of the aforesaid recommendations, the Registrar, in his affidavit at para 28 has stated the following:-

“28. It is further stated like taking cognizance of the prevailing situation, the University decided to constitute a high level committee of experts to take a view of the current pandemic situation and to decide whether the examination should be held online or offline the committee was constituted vide order dated 20/01/2022 and the committee met and deliberated and took a decision on 25/01/2022 thereby unanimously recommending holding of examination in offline mode. I am annexing herewith the report and recommendations made by the committee as Exhibit R 12. The University has accepted the Committee's recommendations and would act accordingly.”

6. The aforesaid means that the University has accepted the Committee's recommendations and the University will now proceed to hold the examinations offline from 16.02.2022. Ms. Agni learned Senior Advocate for Goa University has reiterated this position since some apprehensions were expressed by the learned counsel for the petitioners that the earlier circulars/notices

speak about offline examinations being scheduled from 07.02.2022. Therefore, now, it is quite clear that the University will hold offline examinations from 16.02.2022 consistent with the recommendations of the High-Level Committee.

7. The Committee has also made it clear that the students' safety should be given a priority and they have also recommended certain provisions in this regard. The affidavit of the Registrar states that the recommendations of the Committee have been accepted and this means that the University, will comply with these provisions so that the students' safety is not compromised in any manner.

8. Certain apprehensions were expressed about the possible change of circumstances by 16.02.2022. At this stage, it will be premature for us to comment on such matters. However, we are quite sure that Goa University will take cognizance of the ground realities and take appropriate decisions should any occasion arise. Now that the Goa University has constituted this High-Level Committee which comprises *inter alia* medical experts, we are quite sure that this Committee will continue to monitor the situation at the ground level and make appropriate recommendations should any occasion arise.

9. These petitions are now disposed of in the aforesaid terms by accepting the statements made on behalf of Goa University. No costs.

10. This Court records its appreciation of the reasonable approach adopted by both the petitioners as well as the Goa University in this matter.

R. N. LADDHA, J.

M. S. SONAK, J.