

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24960 of 2019

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Shashi Bhushan Kumar Son of Nand Kishore Prasad Resident of Village Baghi, P.S.- Warisaliganj, District Nawada, Prakhanda Teacher, Middle School, Shekhopur, P.S.- Shekhopur, District Sheoikhpura.

... .. Petitioner/s

Versus

1. The Union of India Through its Director, National Institute of Open Schooling, Ministry of Human Resources Development, New Delhi.
2. The Regional Director National Institute of Open Schooling, Regional Centre, Lalit Bhawan, Bailey Road, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The District Education Officer Sheikhpura.
5. Centre Superintendent cum Principal Central School, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Adv.

For the Respondent/s : Mr.Smt. Shilpa Singh, GA-12

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 12-12-2019

Heard Mr. Devendra Prasad Singh, learned advocate for the petitioner and Mr. Rajesh Kumar Verma for the Central Government.

2. The petitioner who is engaged as Block Teacher has approached this Court for multiple reliefs. It has been submitted by him that he was appointed as a Block Teacher under the orders of this Court in the reserved category for being 100% visually challenged. The



aforesaid engagement/appointment of the petitioner was made in accordance with the Rules which were prevalent at that time, which rules underwent an amendment wherein a requirement was introduced of such teachers having a minimum of 50% marks in Higher Secondary Examination. Since the petitioner, at the time of his appointment did not have requisite percentage, he on his own thought of improving his grades.

3. At this stage, it must be noted that the Rules do not indicate that persons who have already been engaged having less than 50% mark would be required to improve their marks by appearing in such examination afresh. Nonetheless, the petitioner in his anxiety got himself registered with National Institute of Open Schooling for a degree in Higher Secondary. According to the petitioner, he appeared in eight out of ten subjects when he was provided the facility of a writer. In the last of the two papers, for some reason or the other, the Centre Superintendent did not allow any writer to assist the



petitioner in writing the exam and the petitioner allegedly was thrown out of the examination hall.

4. This Court has some difficulty in accepting the aforesaid contention as a 100% visually challenged person is required to be provided with a writer to assist him in appearing in the examination. Under what circumstances was the writer which was provided to him was not permitted in the examination hall is not known.

5. One of the prayers of the petitioner therefore is that he be allowed to write his examination in the two papers in which he was not permitted to appear with the help a writer.

6. For the aforesaid, this Court directs the petitioner to make a representation in that regard before the Regional Director of the National Institute of Open Schooling within a period of three weeks, who on receipt of such representation shall make it known to the petitioner whether his request has been allowed or not. If there is a provision for providing such assistance to such visually



challenged persons, there is no reason why such a request be not acceded to.

7. Apart from this, the petitioner has also approached this Court for another relief. According to him, he successfully passed in all the papers of D.El.Ed. from NIOS but no certificate is being issued to him. From Annexure-7 appended to the writ petition, it appears that no certificate would be given by National Institute of Open Schooling if 45% marks has not been obtained by a candidate in Class-XII. It further states that certification will be done after due verification. It is the case of the petitioner that he has passed in all the papers for getting a degree/certificate in D.El.Ed. However, the certificate has been withheld from him without any reason, which is not permissible. For this also, a representation has been filed by the petitioner before Regional Director of NIOS which also has gone unheeded up till date. Under the aforesaid circumstances, this Court further directs that in case the petitioner makes a fresh representation for issuance of a



certificate of D.El.Ed. within a period of four weeks before the Regional Director, the Regional Director shall, on verification of facts shall take a decision and communicate the same to the petitioner forthwith.

8. With the aforesaid direction the petition is disposed of.

(Ashutosh Kumar, J.)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
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