

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3981 of 2019**

Seikh Murabbi S/o Abdul Rahim Aged About 57 Years Headmaster,
Government Middle School Joor, Block Bhaiyathan, District Surajpur
Chhattisgarh, R/o Village Sonpur, (Shivprasad Nagar), Post Banja,
District Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. Government Of India Through Secretary, Ministry Of Human Resource Development (Department Of Education), Shastri Bhawan, New-Delhi, District : New Delhi, Delhi
2. Chairman National Institute Of Open Schooling, Under Ministry Of Human Resource Development Of Government Of India, A-24-25, Institutional Area, Sector-62, Noida, Uttar Pradesh
3. Director, National Institute Of Open Schooling, Shanker Nagar, Raipur, Chhattisgarh
4. Office Incharge, Deit Centre, Baikunthpur, District Koriya, Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Meena Shastri, Advocate
For Union of India	:	Mr. B. Gopa Kumar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/11/2019**

1. The limited grievance that the petitioner has is that the petitioner's certificate which has been issued by the respondent No.2 and Respondent No.3 shows the result as "NC", Not Certified on the ground that petitioner does not fulfill the eligibility criteria of having 45% marks in Class 12th Examination.
2. Contention of the petitioner is that when the petitioner had done his Higher Secondary i.e. in the year 1980, there was no Class 12th pattern available and it was only (9+2) pattern which was going on and persons clearing the 11th Class were given the Higher Secondary Certificate. The

petitioner had obtained the Higher Secondary Certificate in the year 1980. He had scored more than 50% marks. Based on his Higher Secondary Certificate the petitioner was given admission in the Course of "Diploma in Elementary Education" by respondent No.2 for the session 2017-2019. The petitioner also undertook the two year training and had successfully participated in the examination and results were finally declared in the year 2019. However, though the petitioner has passed in each of the subjects but in the result column, the respondents have mentioned it as NC- which means Not Certified. The results also has an asterisk at the bottom as NC which means Not Certified due to not fulfilling the eligibility criteria of 45% marks in Class 12th. Further contention of the petitioner is that there were other batchmates of the petitioner, who have also pursued (9+2) pattern in the Higher Secondary Examination and who had also taken admission under respondent No.2 & 3 and who had also undertaken the training along with the petitioner and in whose case respondent No.2 & 3 have given the result of those persons having passed the Examination. However, in spite of the fact that petitioner is identically placed in his mark-sheet result has been shown as NC-Not Certified.

3. Counsel for the petitioner submits that firstly at that relevant point of time there was no Class 12th pattern available and Class-11th was the Higher Secondary Certificate Examination. The petitioner was fully eligible and in Class 11th the petitioner had more than 50% marks also. Thus, there was no reason for denying the results of petitioner so far as the "Diploma in Elementary Education" is concerned as conducted by respondent No.2 & 3. Counsel for the petitioner submits that petitioner has already raised a couple of representations to respondent No.2 & 3 vide Annexure P-7 & Annexure P-8 collectively, but till date no decision has been taken.
4. Learned Assistant Solicitor General submits that in case, if the representation of the petitioner is pending the respondent authorities shall

look into the contents of the representation and shall also compare it with similarly placed candidates who had appeared along with the petitioner in whose favour results have been passed and appropriate orders be passed at the earliest.

5. Given the said submissions by Learned Assistant Solicitor General, the writ petition stands disposed of with a direction to the respondent No.3 to immediately consider the grievance of the petitioner and representations which are pending consideration and take appropriate decision keeping in view the status of similarly placed persons who have also undertaken the same training along with the petitioner.
6. Let this exercise be completed within a period of 90 days from the date of receipt of copy of this order.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit