

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.28805 of 2018

Minor M.Saran Bharath,
Rep. By natural guardian and
next friend of his father Mr.K.R.Muruganantham.
Bhavani, Erode Distrtict. .. Petitioner

Vs

- 1.National Institute of Open Schooling,
31-Block-A, Industrial Road,
Sector-62, Noida,
Uttarpradesh - 201010.
- 2.National Institute of Open Schooling,
Regional Centre,
Kamarajar Salai,
Lady Wellington Campus,
Triplicane, Chennai.
- 3.The Principal,
The Riverside Public School,
Carsley Rod,
Kotagiri - 643217.
The Nilgiris District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to publish the result of the petitioner for the subject of Accountancy for the examination written on 08.03.2018 at Kendra Vidhaylaya, Coimbatore, having reference No.394545 by considering the representation of the petitioner dated 18.06.2018 within the time fixed by this Court.

For petitioner : Mr.I.C.Vasudevan
For R1 & R2: Mr.B.Rabu Manohar, SC.G.P.C
For R3 : Ms.V.Gowri

ORDER

The petitioner / Minor M.Saran Bharath, represented by his natural guardian Mr.K.R.Muruganantham, has filed this writ petition seeking for issuance of a writ of mandamus to direct the first respondent / National Institute of Open Schooling, Noida, to publish his results for the subject of Accountancy for the examination written on 08.03.2018 at Kendra Vidhayalaya, Coimbatore, having reference No.394545 by considering his representation dated 18.06.2018.

2. Learned counsel appearing for the petitioner submitted that the petitioner is studying in Senior Secondary Course (12th standard) in the third respondent school during the year 2017-2018. After joining in the said school in 2006-2007 in 4th standard, he has been pursuing his studies without any blemish. It is further stated that as per Rule 2.1.3 in Stream-3 of the National Institute of Open School (NIOS), the students are permitted to write their examination before the completion of 24 months of school education on condition that he/she should write any one of the subjects after the completion of 24 months. As per Rule 2.1.3, online admission for learners, who want to appear under the On Demand Examination System (OTES) of NIOS for Secondary level (Stream-3), is open throughout the year for those learners who have already passed the secondary examination from the recognized board and wish to take part admission in one subject or upto 4 subjects for updating their qualification, or learners who appeared but could not clear, or who were eligible but could not appear in Public Examination of Second level from any recognized Board and want to appear through On Demand Examination System of NIOS for the Secondary level. By following the said rule position, the petitioner wrote the examination for the subjects of English, Data Entry, Painting and Environment Science in the month of October, 2017, at Kendra Vidhyalaya, Coonoor and the results were also published by the first respondent in the month of December, 2017, itself. Likewise, he wrote the examination for the subject of Business Studies in the month of February, 2018, at Kendra Vidyalaya, Coimbatore, and again, he wrote the subject of Accountancy during the month of March, 2018, in the same centre. Since the results were not published, he has approached the second respondent in person and requested him to publish the results, however, he was orally directed to write the examination for any one of the subjects i.e. either Accountancy or Business Studies, after the completion of 24 months from the date of completion of 10th standard.

3. Continuing further, learned counsel for the petitioner stated that when the petitioner has written examination in Business Studies on 22.02.2018 and Accountancy on 08.03.2018 and again, he wrote the Business Studies on 12.07.2018, the first respondent, having published the results of Business Studies on 16.07.2018 and 22.09.2018, has not declared the results of Accountancy, therefore, he has filed the present writ petition with a prayer cited supra.

4. Learned counsel appearing for the respondents 1 and 2, by filing a counter affidavit, stated that when the results of Business Studies were written on 22.02.2018 and 12.07.2018 were published on 16.07.2018 and 22.09.2018 respectively, the only criteria for the petitioner to comply is that he ought to have completed 24 months from April, 2016, the month in which he passed 10th standard, to write any one of the subjects of 12th standard.

5. In this case, it is admitted by the respondents that the petitioner has passed 10th standard during the month of April, 2016. The only grievance of the petitioner is that although he has written the Accountancy paper on 08.03.2018, the respondents have not declared the results. As stated by the learned counsel for the petitioner, the petitioner has to write any one of the subjects after the completion of 24 months as per Rule 2.1.3 in Stream-3 of the National Institute of Open School (NIOS). It is admitted that following the said Rule, the petitioner has written the subject of Business Studies on 12.07.2018, which is well beyond the 24 months prescribed in the above said Rule from the date of passing of 10th standard in April, 2016. Therefore, the stand of the respondents that he ought to have completed 24 months of studies from the date of passing of 10th standard in April, 2016, to write the Accountancy paper cannot stand to legal scrutiny. Hence, I am of the considered view that the respondents cannot withhold the result of Accountancy paper written on 08.03.2018 on the ground that he has not completed 24 months from the date of passing of 10th standard in April, 2016.

6. Thus, for the reasons stated above, I find no impediment to direct the respondents 1 and 2 to declare the results of Accountancy paper written on 08.03.2018 forthwith. Accordingly, with the above direction, the writ petition is allowed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rkm

To

1.National Institute of Open Schooling,
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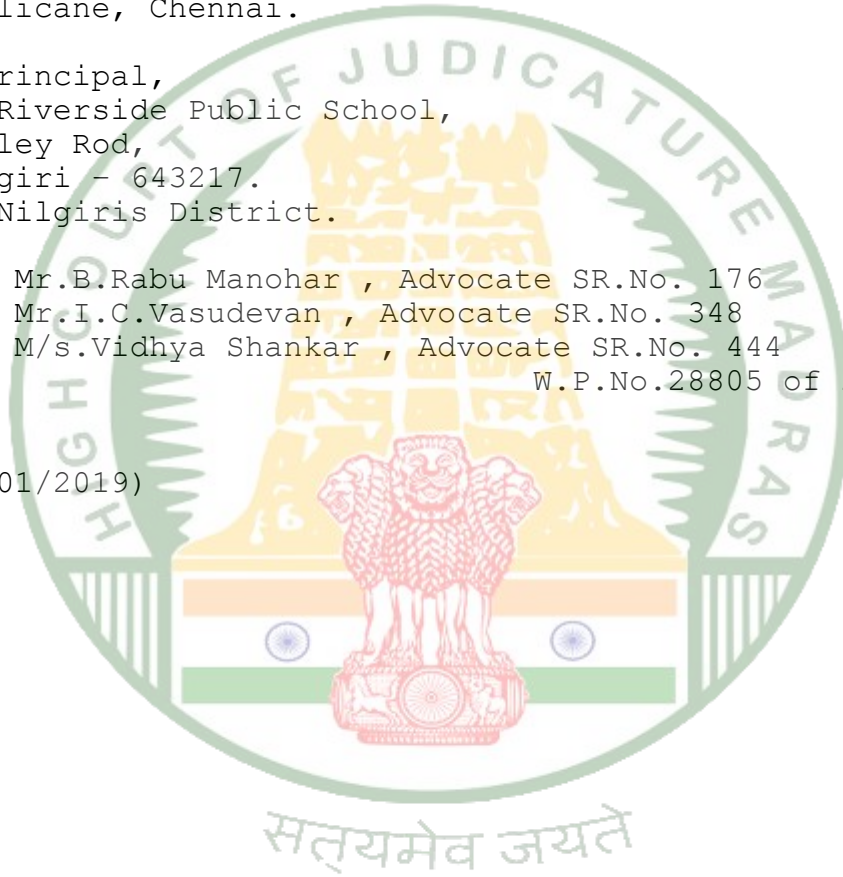
+1cc to Mr.B.Rabu Manohar , Advocate SR.No. 176

+1cc to Mr.I.C.Vasudevan , Advocate SR.No. 348

+1cc to M/s.Vidhya Shankar , Advocate SR.No. 444

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ASK(03/01/2019)



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