

W.P.A. 2327 OF 2021

(Through Video Conference)

Sri Asim Kumar Samanta & Ors.

Vs.

National Institute of Open
Schooling & Ors.

Mr. Sabyasachi Chatterjee
Ms. Jayanti Ghoshal.

... For the Petitioners

Mr. Rabindranath Bag

... For the Respondents

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioners are praying for a direction upon the National Institute of Open Schooling (hereinafter referred to as the 'Institute') to conduct their examinations on the online mode.

2. The contention of the petitioners is that the distance of the examination centres are over 100 km. from the residence of the petitioners and due to the present pandemic, travelling to the examination centres is extremely difficult for the petitioners.

3. Counsel appearing on behalf of the Institute submits that the practical examinations have already been completed and the main examinations have started from today. He further submits that any direction given by the Court with regard to suspension of the examinations and/or for providing an alternative mode of

the examinations by way of online examinations would render the entire examination schedule infructuous. He further submits that this writ petition was filed on January 20, 2021, when the practical examinations had already been completed by then.

3. I have heard counsel appearing on behalf of the parties and perused the materials-on-record. In my view, no interference is called for as the examinations are already taking place. One has to keep in mind that the pandemic situation is also improving and it may not be possible for all institutions to conduct examinations by way of online and online examinations require personnel, infrastructure and training that would take time to implement. This Court, however, suggests that the Institute try and implement online examinations or create further test centres for their future examinations.

4. With the above direction, the writ petition is disposed of. There will be no order as to costs.

7. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)