

Court No. 24
23.02.2022
(Item No. 1)
(AB)

W.P.A. 1612 of 2021
(via video conference)

Sumita Debsharma
VS
The State of West Bengal & Ors.

Mr. Bhagat Chaudhari
Ms. Komal Singh
Mr. Somesh Kumar Ghosh
..... for the petitioner
Mr. Ratul Biswas
..... for the Board
Mr. Rabindra Nath Bag
Mr. Rohan Raj
..... for the respondent Nos. 4 & 5

The petitioner enrolled herself for obtaining the D.El.Ed. training from the National Institute of Open Schooling. The name of the petitioner was initially wrongly mentioned in the acknowledgement receipt of application for NIOS D.El.Ed. registration. She thereafter applied before the concerned authority for rectifying her name as well as the other details which were wrongly mentioned in the said acknowledgement receipt. In the said receipt the category of the petitioner has been mentioned as "OBC". Necessary corrections were made and communicated to the Institute.

National Institute of Open Schooling issued the identity card in favour of the petitioner by incorporating the proper details. Admit Card was issued in favour of the petitioner in her correct name but the result which has been published mentions that she could not clear the said examination, as she did not fulfill the eligibility criteria of possessing 50% marks in the class-XII examination.

The specific case of the petitioner is that as she belongs to the “OBC” category, accordingly, she is not required to obtain 50% marks in the class-XII examination. For the candidates belonging to the reserved category, the cut off marks is 45%.

National Institute of Open Schooling has filed a report wherein it has been mentioned that the request for correction will be considered if and only if the candidate submits her request duly verified by the Principal and counter signed by the Nodal Officer along with the OBC category certificate signed by the issuing authority.

The petitioner submits that she is in possession of a valid OBC certificate in her favour.

In view of the above, the petitioner is granted leave to apply before the Principal of her College from where she pursued the D.El.Ed course praying for correction of the category and for incorporating her proper category i.e. OBC in the records maintained by NIOS authority.

The Principal shall take all necessary steps for verifying the application of the petitioner with the certificate relied upon by her and get the same signed by the Nodal Officer and forward the same to the NIOS authority for correcting the category of the petitioner in the mark sheet.

The NIOS authority upon receipt of the request from the Principal shall take necessary steps for doing the needful so that the petitioner receives her result and the mark sheet of the D.El.Ed examination.

The Principal shall take steps in the matter at the earliest but positively within a period of four weeks from the date of receipt of the application made by the petitioner and forward the same after verifying it with the Nodal Officer to the NIOS authority.

NIOS shall take steps for correction of the said mistake, if any, within a period of four weeks thereafter.

The Principal shall also forward the attested copy of the caste certificate submitted by the petitioner to the NIOS authority for taking necessary steps.

NIOS shall issue a fresh mark sheet in favour of the petitioner within the time as specified herein above.

The writ petition stands disposed of.

Urgent certified photo copy of this judgment, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)