

WPA 6304 of 2022
Abhik Chatterjee
Versus
The State of West Bengal & Ors.

Mr. Abhimanyu Bannerjee
...For the Petitioner.

Mr. Satyendra Agarwal
...For the NIOS

Mr. Swapan Kr. Dutta,
Mr. Rajat Dutta
...For the State

The petitioner was a student of D.El.Ed. He completed the Course from Tarifa Memorial Teachers' Training College. After the results were declared the petitioner came to learn that the Coordinator and Principal of the College entered wrong marks in the internal assessment.

The Principal of the College has written to the Coordinator (NIOS) on 15th June, 2019, wherein it has been mentioned that by mistake the marks entered in respect of the petitioner was mentioned as 8 instead of 28. It was categorically mentioned that the petitioner had got 28 marks out of 30.

The petitioner submits that the correction in the marks has not been done till date. The College authority by a further communication dated 12th December, 2020 also requested the Coordinator of NIOS, West Bengal Circle to correct the marks of the petitioner.

Legal representation was made on behalf of the petitioner in April, 2021. In response to the said legal representation, NIOS Authority intimated the petitioner to provide a copy of the letter dated 1st June, 2019 forwarded by the Principal, Tarifa Memorial Teachers' Training College to NIOS. The proof/receipt for being forwarded/submitted the aforesaid letter may also be provided.

Learned advocate representing the petitioner submits that the petitioner personally visited the office of the NIOS and submitted the necessary documents but does not have any proof of the submission of the said documents before NIOS.

Learned advocate representing the NIOS submits that letter dated 1st June, 2019 was never forwarded to the authority. It has further been submitted that the communication dated 2nd December, 2020 was also not served upon NIOS. Until and unless there is a formal communication from the College about the mistake in the marks awarded to the petitioner, the authority will not be in a position to make the correction.

It has been submitted that the examination was over long back and the communication was sent only in June, 2019 and December, 2020. The same is an afterthought.

Be that as it may, as it appears that there is a communication from the Principal of the College in June, 2019 and December, 2020, it will be open for the NIOS Authority to cross check the issuance of the aforesaid letter from the Principal of the Tarifa Memorial Teachers'

Training College.

If it appears to the NIOS Authority that there is bona fide mistake in uploading the marks of the petitioner, then necessary steps shall be taken for correcting the same.

A candidate should not suffer in view of the wrong uploading of marks by the Principal of the College.

Necessary steps shall be taken in the matter by the respondent no. 3 being the State Coordinator (NIOS) at the earliest, but positively within four months from the date of communication of this order.

The petitioner is directed to forward the communications dated 1st June, 2019 and 2nd December, 2020 to the respondent no. 3 at the time of communicating the order of this Court.

The respondent no. 4 is directed to render all necessary cooperation to the officer of the respondent no. 3 for the purpose of compliance of the direction passed hereinabove.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)