

19.05.2022
item 71
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WPA 7787 of 2022

Anurupa Mondal
-vs-
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Mr. Sutirtha Nayek ...for the petitioner

Mr. Sauvik Nandy ...for the NCTE

Mr. Satyendra Agarwal ...for the NIOS

Mr. Pradip Paul ...for the Union of India

Mr. Swapan Kr. Datta, AGP
Mr. Rajat Datta ...for the State

The petitioner has filed the present writ application praying for a direction upon the respondent NIOS to issue diploma in elementary education certificate in her favour.

According to the petitioner, she passed D.El.Ed examination in the year 2020. Prior to the passing her elementary D.El.Ed examination, she upgraded her qualification in the Higher Secondary examination from the West Bengal Council of Rabindra Open Schooling in the year 2015.

At the time of registration in the D.El.Ed course in respect of untrained in-service teachers conducted by National Institute of Open Schooling, she did not disclose her enhanced marks obtained in Class XII

examination from the West Bengal Council of Rabindra Open Schooling in the year 2015.

According to the petitioner, the same was not required to be intimated in view of the notice published by the West Bengal Board of Primary Education, the employer of the petitioner, that if a teacher has a graduation degree with less than 50% or 45% (for reserved categories) in the Higher Secondary or its equivalent examination, he/she does not need such upgradation/improvement.

The petitioner claims that as she possessed the graduation degree, accordingly, she neither felt the necessity nor the requirement to disclose the enhanced marks obtained by her in the Higher Secondary examination.

Though the petitioner qualified in the D.El.Ed examination, the certificate has not been issued in her favour by NIOS.

The petitioner made representation before the Regional Director of National Institute of Open Schooling in March, 2020 with a reminder in October, 2021. There is no response to the said representations filed by the petitioner.

Learned advocate representing the NIOS submits that it was incumbent for the candidate to disclose of her educational qualification(s) at the time of registration in the course.

It has further been submitted that for the purpose of registration, the marks obtained in Class-XII examination is required. The petitioner ought to have disclosed before the authority her upgraded marks in the Higher Secondary examination.

From the submissions made on behalf of both the parties it appears that the application filed by the petitioner for issuance of the D.El.Ed certificate is pending consideration before the National Institute of Open Schooling.

Accordingly, the instant writ petition is disposed of by directing the Regional Director, NIOS to consider the representations filed by the petitioner in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The said authority shall afford an opportunity of hearing to the petitioner, if required, to produce the educational certificates in support of her qualification.

In the event, the authority is convinced that the educational certificate(s) produced by the petitioner in respect of her Higher Secondary examination, both the previous and the upgraded one are genuine, the said authority shall take immediate steps for issuance of D.El.Ed certificate in favour of the petitioner.

In the event, the authorities are of the opinion that the certificate cannot be issued in favour of the

petitioner, then the reasons for not issuing the certificate shall be communicated to the petitioner immediately thereafter.

The writ petition stands disposed of.

Leave is granted to the advocate-on-record of the petitioner to correct the designation of the respondent no. 7 in the cause title of the writ petition.

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

(Amrita Sinha, J.)