

Court No. 24
28.01.2022
(Item No. 53)
(AB)

W.P.A. 19320 of 2021
(via video conference)

Md. Mamnoon Alam
VS
The Union of India & Ors.

Mr. S. P. Lahiri
Md. Habibur Rahman
..... for the petitioner
Mr. Partha Chakraborty
..... for UOI
Mr. Rabindra Nath Bag
..... for NIOS

Respondent Nos. 2, 3 and 4 have filed a short notes before this Court wherefrom it appears that the NIOS authority was proposing to use average marks method for the subject code 506 of the petitioner by assuming his TMA marks and marks obtained by him in other subjects.

A letter has been addressed by the Regional Director, NIOS, RC Ranchi to the Director (Evaluation), NIOS, Noida on 20th January, 2022. The letter mentions that as the petitioner's answer book of subject code 506 was not received from the examination centre accordingly he was marked "absent" by the Secrecy team and the unused sticker for the candidate in the subject remained unused.

Keeping in view the candidate's future, the Regional Director proposed to take necessary decisions in favour of him, if possible, by assuming his TMA marks and marks obtained in other subjects.

The learned advocate representing NIOS, upon instructions, states that the process of evaluation will take approximately 6 to 8 weeks' time. It has been stated in paragraph 12 of the short notes that it has already been

intimated by the Regional Office, NIOS, Kolkata that it will take 6 to 8 weeks for conclusion of the proposal of the evaluation.

In view of the above, the instant writ petition stands disposed of by directing the respondent Nos. 2, 3 and 4 to complete the proceeding of evaluation as proposed by the Regional Director, NIOS, Ranchi at the earliest, but positively within a period of eight weeks from the date of communication of this order. The decision of evaluation shall be intimated to the petitioner immediately thereafter.

The NIOS authority shall issue a fresh mark sheet after mentioning the marks obtained by the petitioner, after evaluation, in the subject code 506.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)