

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6867 of 2019

=====

Kiran Kumari wife of Sri Akhileshwar Prasad Pandey resident of Village-
Dhangadhaha, Post Sarottar, P.S. Dumariya Ghat, District- East Champaran.

... .. **Petitioner**

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar.
2. The Principal Secretary, Education Department, Bihar.
3. The Director, Primary Education, Education Department, Patna.
4. The Union of India through Secretary, Human Resource Development Department, New Delhi.
5. The Secretary, Human Resource Development Department, Government of India, New Delhi.
6. The National Institute of Open Schooling through its Secretary, A- 24-25, Institutional Area, Sector- 62, Noida- 201309, Uttar Pradesh.
7. The Secretary, National Institute of Open Schooling A- 24-25, Institutional Area, Sector- 62, Noida- 201309, Uttar Pradesh.
8. The Director, National Institute of Open Schooling A- 24-25, Institutional Area, Sector- 62, Noida- 201309, Uttar Pradesh.
9. The Deputy Director, Patna Branch, National Institute of Open Schooling, Lalit Bhawan, Bailey Road, Patna.

... .. **Respondents**

=====

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar Singh, Advocate
For the State	:	Mr.Prabhakar Jha, GP-27
		Mr. Umesh Nr.Dubey, AC to GP-27
For the NIOS	:	Ms. Poon Kumari Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 10-08-2023 Heard learned counsel for the petitioner and learned
counsel for the National Institute of Open Schooling (in short
the ‘NIOS’).

2. The petitioner, in the present case, is seeking a writ
in the nature of mandamus to direct the respondent NIOS to
declare the result of the petitioner for the Course Code 504 and



505 of Diploma in Elementary Education for the session 2017-2019 and to further allow her to deposit admission fee for the second year as well as to allow her to participate in the special examination of the course Code 506 to 510 scheduled to be held in April, 2019.

3. Learned counsel for the petitioner submits that the petitioner has passed the first year of the Course but for certain unavoidable reason and due to her health issue the petitioner could not deposit the second year admission fee and was not registered for the second year by the cut-off date. Learned counsel for the petitioner submits that the petitioner has submitted several representations to the authorities of the NIOS but those were not considered.

Stand of the NIOS

4. A counter affidavit has been filed on behalf of the NIOS and it's authorities (respondent nos. 6 to 9). It is stated therein that result of the petitioner was not published for the reason that the petitioner had not submitted admission fee of the second year. It is the stand of the concerned respondents that if any trained teacher does not submit admission fee of the second year then all data are deleted in the records of the NIOS website.

5. It is further submitted that the petitioner had not



submitted her second year admission fee even as the schedule for online submission of admission fee for the second year was published on the NIOS website on 4th June, 2018 vide Notification No. 04/2018. The cut-off for submission of registration fee for the second year was extended from time to time and the last date for submission of the registration fee was 15th October 2018. A copy of the Notification dated 04.06.2018 has been brought on record as Annexure 'B' to the counter affidavit.

6. Learned counsel submits that the petitioner submitted her representation much after the expiry of the last date, hence, she was not allowed to submit her admission fee after cut-off date.

Consideration

7. Having heard learned counsel for the petitioner and the concerned respondents as also on perusal of the records, this Court finds that the petitioner had an opportunity to submit her admission fee/registration fee for the second year from 4th June, 2018 till 15th October, 2018. During this period, she did not make payment of the same and applied for registration. A completely vague statement has been made on behalf of the petitioner that she became seriously ill and because of severe



chest pain indicating some heart problems she had to go to Bangalore for treatment on 05.10.2018. The statements made by the petitioner together with the discharge summary of the Institute would show that she was admitted there on 6th October 2018 and had been discharged on 10th of October 2018. Thus, the petitioner is unable to show any cogent reason for not making online request for registration with the requisite fee within the period fixed by the respondents.

8. This Court further finds that now more than four years have gone and at this stage this Court would not direct the concerned respondents to admit the petitioner in the second year of the session 2017-2019.

9. This Writ Application has lost it's efficacy over the period. It is being dismissed as having become infructuous.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U			
---	--	--	--

