

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16498 of 2019

1. Rana Ghanshyam S ingh S/o Late Rama Bodh Narain Singh R/o Village-Bindwara, P.S. Kashim Bazar, District-Munger
2. Gopal Kumar S/o Late Sita Ram Mandal R/o Neelam Road Near Pani Tanki, P.S. Kotwali, District-Munger
3. Paurush Ranjan S/o Manoj Kumar Ranjan R/o Village Shastri Nagar, Road No. 4, P.S. Kashim Bazar, District-Munger
4. Shiv Shankar S/o Mundrika Ram R/o Mohalla-Kashim Bazar near Nirdosh Kali Mandir, P.S. Kashim Bazar, District-Munger
5. Vikash Kumar S/o Suresh Prasad Sah R/o Kaura Maidan Konark Road, P.S. Kashim Bazar, District-Munger
6. Santosh Kumar S/o Vidya Nand Sahu R/o Hasanganj near Shiv Mandir, Safiabab, P.S. Kashim Bazar, District-Munger

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resources, Govt. of Bihar, Patna
2. Director (Primary Education) Govt. of Bihar, Patna
3. Regional Director National Institute of Open Schooling (NIOS) Regional Centre, Patna under Department of Human Resources, Govt. of Bihar, Patna
4. Asstt. Director NIOS Lalit Bhawan, Jawaharlal Nehru Marg, Patna
5. Joint Secretary cum Nodal Officer D.EL.ED. Training Programme Department of Human Resources, Govt. of Bihar, Patna
6. Coordinator Study Centre D.EL. ED. NIOS, Bihar
7. District Magistrate Munger
8. In charge Principal cum Cordinator of NIOS Study Centre Code No. 471014008 Centre name Upendra Training Academy, Munger

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Kumar Kamal Nayan, Advocate
For the State	:	Mr. S.S. Tiwary, AAG-13
For the NIOS	:	Ms.Punam Kumari Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioners, learned
counsel for the National Institute of Open Schooling and



learned counsel for the State.

2. This writ application has been filed by these writ petitioners who are seeking a writ in the nature of mandamus directing the concerned respondents to publish/declare their result of D.EL. Ed. Course which they have completed from National Institute of Open Schooling (in short the “NIOS”) Study Centre Code No. 471024008 during the session 2017-2019.

3. The grievance of the petitioners is that there was an issue with regard to the uploading the marks secured by the petitioners in Subject Code No. 513 and 514 which are the Workshop Based Activities (W.B.A.) and Practice Teaching (P.T.) respectively. The petitioners are also praying for a direction to the respondent concerned to take action against the erring respondents specifically respondent no. 8.

4. The case of the petitioners is that the petitioners were admitted in Upendra Training Academy, Munger, they appeared in the first year examination and their result was published but in Subject Code No. 506 and 507 i.e. “Understanding Children in Inclusive Context” and



again for “Community and Elementary Education”, only 12-12 marks were given out of total 30 marks each to all these petitioners and they were declared pass with minimum marks in February 2019. The petitioners claimed that they had got 20-20 marks from the internal examiner in these papers and when they contacted the respondent no. 8 then the petitioners were informed that the practical marks of those subjects could not be uploaded because some unknown person wrongly uploaded the marks of the subjects by committing theft of the password of the Principal. This was informed to respondent no. 3 vide letter contained in Annexure ‘1’ and ‘1/1’ to the writ application. It is submitted that despite opportunities granted to the Principal Incharge of the Centre to correct the mistake, she did not do that.

5. It is further case of the petitioners that the examination of Subject Code No. 508, 509 and 510 was held in March 2019 and Subject Code No. 513 and 514 was also held. The practical copies were deposited by the students at the Centre itself and result of the same was declared on 25th May, 2019 but again in the practical marks



of Subject Code No. 508, 509 and 510, 12-12 marks which were the minimum marks were given to each of the petitioners and they were declared pass but in Subject Code No. 513 only 45 marks out of full marks 100 and in Subject Code No. 514 only 90 marks out of full marks 200 were given and these petitioners were declared fail. Copies of the marks-sheet have been enclosed in Annexure '2' series.

6. The petitioners submit that they have represented it before the Incharge Principal-cum-Coordinator of the concerned Study Centre at Munger but again the same plea was taken by her that the password was stolen.

7. A counter affidavit has been filed on behalf of the respondent no. 3 & 4. The stand of respondent no. 3 & 4 is that as per direction of the Deputy Director (Evaluation), NIOS, Noida, U.P., any marks pending with regard to the TMA and Practical marks were required to be submitted by the AIS/ Regional Centres after the declaration of the result with a late fee of Rs. 1,500/- each.

8. The stand of respondent no. 8 is that some vested interest have stolen the password of website and



uploaded wrong marks in Subject Code No. 506, 507, 508, 509/510, WBA/513 and P.T./514. In this regard an information has been sent to NIOS on 02.02.2019 regarding uploading of wrong entry of marks and requested to delete the marks of assignment code above-mentioned.

9. It is further stated that Vide Annexure 'B' to the counter affidavit a request was made to cancel the uploaded marks for the session 2017-19, second year assignment code no. 506, 507, 508, 509/510, WBA/513 and P.T./514 but no action has been taken by the NIOS. Reference has been made to the e-mail dated 13.02.2019 (Annexure 'C' to the counter affidavit).

10. From the materials available on the record, this Court finds that the result of these petitioners are not being published by the concerned respondents and they are shifting their responsibility on each other. This Court, therefore, deems it just and proper to direct the respondent nos. 3, 4, 5, 6 and 8 to hold a meeting within a period of 30 days from today to discuss the issues which have arisen in case of these petitioners. The meeting shall be convened by the respondent no. 3 within a period of two weeks and a



prior notice of two weeks shall be given to all concerned to be present in the meeting. If the presence of the State respondents or any authority of the State is required, the same will be informed to the Director (Primary Education), Government of Bihar (respondent no. 2) and it will be the responsibility of respondent no. 2 to depute a competent person to attend the said meeting and cooperate in resolution of the issues involved in this writ application.

11. Let the concerned respondents, as referred above, take an appropriate decision in the interest of the students keeping in view their career and future prospects and take remedial measures, as may be required, to correct the mistakes whatsoever have been committed so far and publish the result of the petitioners.

12. Let the entire exercise be done within a period of two months from today.

13. This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

