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W.P.No.31431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31431 of 2024
and
WMP.Nos.34126 & 34127 of 2024

Alexander Israel Anandi

...Petitioner

Vs.

1. The National Institute of Open Schooling,
Rep. by its Director,
A-24/25, Institutional Area, Sector-62, NOIDA,
Distt. Gautam Budh Nagar, Uttar Pradesh-201 309.

2. Joint Director (Admin,)
National Institute of Open Schooling Regional Centre,
Kamrajar Salai, Lady Wellington Campus,
Triplicane, Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, seeking to quash the Impugned order dated 18.10.2024 issued by the 2nd respondent and consequently direct the 2nd respondent to provide hall ticket permit to appear for the upcoming examination for the academic year 2023-24 scheduled on 22nd October 2024.



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For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.R.Thirunavukarasu

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the 2nd respondent dated 18.10.2024 and to consequently direct the 2nd respondent to provide hall ticket permitting the petitioner to appear for the upcoming examination for the academic year 2023-24.

2. Mr.R.Thirunavukarasu, learned counsel takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner enrolled for National Institute of Open Schooling for Academic Year 2023-24 as Stream-1 Block 2 with Enroll No:190109233524 and the petitioner had opted for the Senior Secondary Courses for the subject code Nos:302, 311, 318, 319 & 320 and he applied for admission to the 1st respondent institution to complete the examination to be conducted in the month of October 2024 by paying the



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registration fee of Rs.2,450/- on 16.02.2024 and on enrollment, the 2nd respondent provided the petitioner with a login ID and password and he was preparing for the forthcoming exam. While so, on 17.10.2022, when the petitioner approached the 2nd respondent seeking Hall ticket, he was informed that, the petitioner failed to pay the examination fee of Rs.1,650/-. Thereby, on 18.10.2024, the petitioner sent a email to the 2nd respondent seeking issuance of hall ticket to the petitioner, on payment of penalty fees for late payment of examination fee, pursuant to which the 2nd respondent, vide impugned letter dated 18.10.2024 rejected the petitioner's request. Challenging the same, the petitioner has come up with this Writ petition.

4. Learned counsel for the petitioner submitted that, though the 2nd respondent stated that, as per the Notification No.45 of 2024, the petitioner should have paid the examination fee of Rs.1,650/-, however, the said notification was never sent to the petitioner, enabling him to make necessary payment and even when the petitioner made payment of Internal assessment, no intimation was given by the respondents with regard to non payment of the examination fee and even in the on-line portal, the payment status showed as 'Paid' and thereby, the petitioner was under the impression that he paid all the



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requisite exam fees and complied with all other formalities and therefore, there will be no bar for providing the petitioner with the Hall ticket. He further submitted that, if the petitioner is not permitted to attend the exam to be commenced on 22.10.2024, he will be put to great trouble and the learned counsel fairly submitted that, the petitioner is ready to comply with any condition that may be imposed by this Court. Accordingly, he prayed for appropriate orders directing the 2nd respondent to provide the petitioner with the hall ticket enabling to appear for the upcoming examination for the academic year 2023-24 scheduled to be held on 22nd October 2024.

5. Per contra, the learned counsel appearing on behalf of the respondents submitted that, for fresh and unsuccessful learners of previous examination, the date of payment of examination fee without late fee was fixed between 21.05.2024 to 20.06.2024 and for learners who have been unsuccessful in the preceding examination ie., April Exam, the date was fixed between 01.06.2024 to 20.06.2024 and in respect of all learners, the date for payment of examination fees was fixed between 21.06.2024 to 30.06.2024 with late fee of Rs.100/- per subject and in respect of payment of examination fees with consolidation late fee of Rs.1,500/-, the date was fixed between

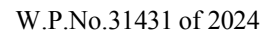


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01.07.2024 to 10.07.2024. However, knowing very well that payment of examination fee through physical mode is not permissible, the petitioner did not make any steps to make necessary payment of examination fee through on-line mode. He further submitted that, as all the Pre-Examination Activities and arrangement for conducting examination has already been completed, it is impermissible to allow the petitioner to provide the petitioner with Hall ticket enabling him to attend the examination which is scheduled to be held on 22.10.2024 (ie., tomorrow) and if the petitioner wants, he can very well apply for On Demand Examination, which will be conducted from 1st week of January 2024.

6. Heard learned counsel on either side and perused the material documents placed on record.

7. Though very many contentions have been raised against the impugned order, however, from the materials available on record, it transpires that the exam is scheduled tomorrow and that the petitioner has not paid the examination fees, which alone is the reason for not allowing the petitioner to



8. With the above directions, this Writ Petition stands disposed of. No
Consequently, the connected Miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

Note to office: Issue order copy on 21.10.2024.

To:

1. The Director,
National Institute of Open Schooling,
A-24/25, Institutional Area, Sector-62, NOIDA,
Distt. Gautam Budh Nagar, Uttar Pradesh-201 309.
2. The Joint Director (Admin),
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M.DHANDAPANI, J.

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