

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.484 of 2023

In

Civil Writ Jurisdiction Case No.2165 of 2023

Sanjay Kumar, S/o Ram Chandra Yadav, Resident of Village- New Tarachak
(Kumar Palace) P.S.- Danapur, District- Patna (Bihar).

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Department of School Education and Literacy, 124-C, Shastri Bhawan, New Delhi.
2. The Additional Secretary (Institutions), Department of School Education and Literacy, 124-C, Shastri Bhawan, New Delhi.
3. The Joint Secretary (E.E.I.), Department of School Education and Literacy, 124-C, Shastri Bhawan, New Delhi.
4. The National Institute of Open Schooling, through Chairperson, A-24/25, Institutional Area, Sector- 62, Noida, District- Gautam Budh Nagar, Uttar Pradesh- 201309
5. The Director (Evaluation), National Institute of Open Schooling, A-24/25, Institutional Area, Sector- 62, Noida, District- Gautam Budh Nagar, Uttar Pradesh- 201309

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Singh, Advocate
For the Respondent/s : Dr. K.N. Singh, ASG

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 17-02-2025

The appellant had appeared in six months' bridge course examination conducted by National Institute of Open Schooling (NIOS) in March 2019. He was found to be using unfair means in the examination and, therefore, his answer book was forfeited.



Nonetheless, on his entreaties, he was permitted to appear in the next examination.

2. He challenged the aforementioned decision before the National Institute of Open Schooling, which in its wisdom cancelled the earlier examination of the appellant also.

3. The contention of the appellant before the learned Single Judge was that the Invigilator had wrongly concluded that the appellant was adopting unfair means in the examination and that also only on the basis of few chits of paper lying strewn near him.

4. The learned Single Judge did not interfere with the decision of NIOS on the sole ground that such issues of facts could not be decided in the writ petition.

5. The appellant, in our view, should have been content with the permission to him to appear in the next examination, which he unnecessarily declined.

6. There was no other way in which his writ petition could have been disposed off except for



dismissing the same.

7. We also hold the same view and dismiss this appeal.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Manoj

AFR/NAFR	NAFR
CAV DATE	NA
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