

ITEM NO.6+29+32

Court 5 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 904/2020

SONIA SINGH

Petitioner(s)

VERSUS

NATIONAL INSTITUTE OF OPEN SCHOOLING (NIOS) & ANR. Respondent(s)

(FOR ADMISSION)

WITH

W.P. (C) No. 906/2020

FOR ADMISSION)

W.P. (C) No. 943/2020

W.P. (C) No. 974/2020

W.P. (C) No. 975/2020

Date : 04-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Rishi Malhotra, AOR

For Respondent(s)

Mr. S. Rajappa, AOR

Mr. R. Gowrishankar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

W.P. (C) Nos. 904, 943, 974 and 975 of 2020

Heard learned counsel for the parties.

The grievance made in these Writ Petitions is founded on the observation(s) made in the order dated 31.07.2020 in Writ Petition No. 688 of 2020 wherein the statement of

Respondent (NIOS) came to be recorded that the assessment of the concerned candidate(s) will be done on the basis of past performance and in no other manner.

After having examined the relevant documents placed before us and juxtaposing it with the case of the petitioner(s), we are in agreement with the stand taken by the respondent (NIOS) that the case of the petitioner(s) is not covered by Clause 5(c) of the Assessment Scheme, which was the subject matter under consideration in Writ Petition No. 688 of 2020. Whereas, the present petitioner(s) would be covered by Clause 5(d) of the Assessment Scheme and their representation(s) have been dealt with by the competent authority on that basis as admittedly the petitioner(s) had no record of having appeared in public examination in the past. To wit, on the basis of the regime specified in Clause 5(d) of the Assessment Scheme, average of last three examination marks in the concerned subject(s) conducted vide public examination have been taken into account alongwith the marks obtained by the concerned candidate(s) in Tutor Marked Assignment (TMA) and Practical, as the case may be and then, the average marks have been worked out.

We find no infirmity in the view taken by the

respondent (NIOS) in deciding the representation(s) of the concerned petitioner(s) on that basis.

Needless to observe that despite the determination of the marks in respect of petitioner(s) and other candidates by the competent authority, Clause 4 of the Assessment Scheme gives an option to the students to appear in the ensuing examination for improving his/her percentage, if he/she so desires. It will be open to the petitioner(s), like others, to avail of that option to which the respondent (NIOS) would have no objection despite the rejection of representation(s) of the concerned petitioner(s) which is the subject matter of challenge in these petitions.

Accordingly, these petitions fail and the same are dismissed.

Pending applications, if any, stand disposed of.

W.P. (C) No. 906/2020

Learned counsel for the petitioner seeks permission to withdraw this Writ Petition. Permission is granted. The Writ Petition is allowed to be withdrawn.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

