

राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान
 राष्ट्रीय मुक्त विद्यालय- (रा. मु. वि.)
 शिक्षा मंत्रालय, भारत सरकार)



NATIONAL INSTITUTE OF OPEN SCHOOLING
 (Formerly, National Open School - N.O.S.)
 (M. H. R. D., Government of India)

Ref. : Nios/Ra/Pat-105
 Date : 14-03-2014

क्षेत्रीय कार्यालय, पटना
 Regional Office, Patna

Handwritten signature and date
 28/3/14

Speed Post/E-mail

To
The Secretary
 National School of Open Schooling
 A-24-25, Institutional Area,
 Sector-62 NOIDA, UP.

IMPORTANT

Sub:- Judgement of Hon'ble High Court, Patna in the case of Civil Writ Jurisdiction case no. 43 of 2014. Forwarding of

Sir,

Please find herewith a copy of order passed in Civil Writ Jurisdiction case no. 43 of 2014 on 21.01.2014 by Hon'ble Justice Shri Jayanandan Singh of the Hon'ble High Court, Patna.

The judgement is a landmark for NIOS. This needs to be circulated to all the Regional Centres for their reference & web site also.

With Regards

Encl: As above

Copy to

- Hon'ble Chairman, NIOS
- Director (Eval), NIOS
- Director (SSS) - NIOS

(Sanjay Kumar Sinha)
 Regional Director

Yours faithfully

Handwritten notes:
 1. May please host on website
 2. AD (legal) may keep in record
 3. SAC (Admission) may keep in record
 SAP AD (legal) may keep in record

अध्यक्ष, राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान
 रा. मु. वि. शि. सं.
 डायरी सं. 276
 आवक सं. 25702/14
 जावक सं. 25703/14
 आवक समय

865
 26.3.14
 26/3/14

राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान (संगणक विभाग) / SAP (COMPUTER)
 डायरी सं. / Diary No. 681
 आवक दिनांक / Inward Date 27/3/14
 जावक दिनांक / Outward Date

- For kind information
- For kind information
- For kind information

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.43 of 2014

1. Rishav Kumar S/O Raghvendra Jha C/O Birendra Mishra, At Beside State Bank Of India, Jublee Well, Jamalpur, Munger, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
2. Abhishek Kumar S/O Ram Udgar Yadav At-Quarter No. 20/Ab Stadium Road East Colony, Jamalpur, Munger, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
3. Rajnish S/O Satish Chandra Yadav At-Quarter No. 207/B T.A. Camp Road, East Colony, Jamalpur, Munger, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
4. Subrat Kumar S/O Narendra Kumar Gupta C/O Rajesh Prasad, At - Hanuman Path, Tilkamanjhi, Bhagalpur Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
5. Kunal Kishore Mishra S/O Niranjan Kumar Mishra At-Quarter No. C/29 Central Colony, P.O. - Makoli, Vialpur, District - Bokaro, Jharkhand, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
6. Rishav Anand S/O Ravi Prakash S. At - Jai Mata Di Industry, Jagdishpur, District - Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
7. Aprit Sharma S/O Nand Kishore Sharma C/O Manmohan Bhardyaj, Madan Mandodri Niketan Barahath Road, Bhagalpur
8. Farhana Parween S/O Mohammad Mohiuddin At + P.O. - Chorchili, P.S. - Beldour, District - Khagaria, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
9. Saurav Kumar Pathak S/O Ajya Kumar Pathak At - Bishwambhar Chak, P.S. - Amarpur, District - Banka, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
10. Piyush S/O Bhendra Prasad A-7hf, 4/24 Bahadurpur, Housing Colony, Patna, Bihar Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
11. Amanya Omkar S/O Pankaj Kumar Choudhary At- Usri, Dumaria, Bujurg, P.O. - Parbatta, District - Khagaria, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
12. Kailash Kumar Singh S/O Ajit Kumar Singh At - Village - Mohanpur, P.O. - Barahat, District - Banka, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
13. Anshu Anand S/O Pramod Yadav At - Mayaganj, P.O. + P.S. - Barari, District - Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
14. Deepika Kumari S/O Nageshwar Sharma At - Matri Chaya Sadan, Block - 101, New Shivpuri Colony, Airport, Tilkamanjhi, Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
15. Khushbu Kumari D/O Abhimanyu Prasad At - Nokhi Kamla, P.O. - Kamla, District - Godda, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
16. Abhishek Prakash S/O Om Prakash Singh At - Artikunj, Charuchandra Mukherjee Road, Near Proff. Santi Sinha Adampur, Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
17. Anand Prabhat S/O Mrityunjay Kumar At - Shivpuri Colony, Ishakchak, Near - Sitla Mandir, Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
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GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA SCORE PATNA
COURT FEE
STAMP DUTY
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18. Nikki Niharika D/O Ujjwal Kumar Ghosh At - Near Sinha Bibha Bhawan, Tilkamanjhi, Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
19. Md. Rayyan Alam S/O Shamsul Haque At - Mojahidpur West, P.O. - City Post Office, P.S. - Mojahidpur, District - Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
20. Md. Jawed S/O Md. Ishaque At - Bhikhanpur, Ganti No. 3, Tnak Lane Near - Bazi Maszid Bhikhanpur, Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur
21. Renu Kumari D/O Dhrublal Mandal At - Jogin, P.O. - P.S. - Jagdishpur, District - Bhagalpur, Pursuing His Study-Ladida Public School, Hostel, Adampur, Bhagalpur. Petitioner/s

Versus

1. The Union Of India Through Its Director (Senior National Institute Of Open Schooling, Ministry Of Human Resource Development, Govt. Of India A-24/25, Institutional Area, Nh-24, Sector - 62, Nodia - 201309, District - Gautam Budha Nagar (U.P.)
2. The Secretary, Nios, Ministry Of Human Resources Development, Govt. Of India A-24/25, Institutional Area, Nh-24, Sector - 62, Nodia - 201309, District - Gautam Budha Nagar (U.P.)
3. The Regional Director, Nios, Lalit Bhawan, Jawahar Lal Nehru Marg (Bailey Road), Patna - 1. Respondent/s

Appearance :

For the Petitioner/s

Alok Ranjan, Adv.

Mr. Ashok Kumar Yadav, Adv.

For the Respondent/s

Mr. Shri Nath Pathak

For NIOS

Mr. Madhuresh Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE JAYANANDAN SINGH
ORAL ORDER

4 21-01-2014

The 21 petitioners claim to be pursuing their study with Ladida Public School, Adampur, Bhagalpur. The respondent of India and the Ministry of Human Resource Development set up a National Open School in 1989 as an autonomous organization which runs the National Institute of Open Schooling (for short 'NIOS'). This Institute provides educational opportunities to persons, who are unable to get regular schooling in established institutions, by means of on-line admission, receipt of study materials by post, to attend coaching in nearly accredited

study Centre/Facilitation Centre as well as common service centres. To facilitate teaching to such type of students certain institutions are accredited by this institute. One such institution is Adwaita Mission High School, At & P.O. Mandar Vidyaapeeth, in the district of Banka of the State. For registration with the institute the applicants are required to fill up on-line forms through an accredited school which is required to transmit the hard copy of the forms also duly filled up with photographs. The petitioners have claimed that they have also filled up their forms on-line and thereafter their hard copies of the forms were transmitted to the NIOS. However, their forms were rejected, vide Annexure-3 series, which are intimations sent through internet in October, 2013 itself.

Learned counsel for the respondents submits that intimations were sent to the candidates at their address mentioned in the application forms by post also, vide Annexure-D series, in December, 2013. In the communication of rejection of their applications, it is mentioned that the applications were being rejected as more than three admission forms had been received from the same address.

Learned counsel for the petitioner submits that these petitioners were attending coaching classes with one Adida Public School, Adampur Jahajghat, Bhagalpur. Hence, in their

application forms they mentioned this address.

Learned counsel for the respondents submits that in Bhagalpur town as many as three other schools are accredited. Hence, petitioners knew that no application through this school could be accepted. Therefore, in the admission form after the address 'Ladida Public School, Adampur Mahajhat, Bhagalpur' 'Banka' has been mentioned. He submits that Bhagalpur is a different district and Adampur is a mohalla of Bhagalpur. He submits that Banka is a different district altogether and mentioning of Banka also, below Bhagalpur, shows that this has been deliberately done in the application forms to misguide the Institute. He further refers to the extract of the Brochure, annexed as Annexure A with the counter affidavit, and submits that under the grounds for cancellation one of the grounds is receipt of more than three admission forms from the same address. He points out that, in the present case, the applications of all the 21 petitioners contain the same address. He further refers to Instruction for filling up the application form for admission in session 2013-14, a copy whereof is annexed as Annexure-C with the counter affidavit. He points out that in the Instruction there is specific bar in respect of giving the address of accredited institute or coaching centre. He submits that the entire spirit of this scheme of National Open School is to provide the students educational opportunities at

their door-step itself. Thus, in every form the permanent address of the candidate is required so that study material and other things may be transmitted to them directly at their residence and is not misused by any coaching centre or accredited school. He submits that since the applications did not conform to these minority mandatory requirements they have been rejected. He submits that though the time limit has expired, but the Institute is ready to refund the fee submitted with the application forms to the students, if they provide their bank account number or of their parents, subject to deduction of normal processing fee.

Learned counsel for the petitioner submits that the petitioners will provide bank account number to the Institute for the purpose.

This writ application is accordingly disposed of with a direction to the NIOS to refund the admission fee, after deduction of normal process fee (Rs.100), to each petitioner in the bank account numbers provided by them within 15 days from the date the account numbers are provided.

And/-

sd/-
(Jayanandan Singh, J)

CERTIFIED TO BE TRUE PHOCO COPY

AK Singh
31-01-14

For Joint Registrar (J)
Patna High Court

Authorized U/S 75 Act of 1972

Rakesh Kumar

AS-0

31/01/2014

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