

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 205 OF 2020

Ms. Kavya Jagdish Shetty

..... Petitioner

*V e r s u s*

Union of India & Ors.

..... Respondents

Mr. Jatin Ramaiya, Advocate for the Petitioner.

Mr. S. Karpe, Assistant Solicitor General for the Respondent nos.1 and 3.

Mr. V. Takkekar, Advocate for the Respondent no.2.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 13<sup>th</sup> October, 2020

P.C.

1. Heard Mr. Ramaiya, learned Counsel for the petitioner, Mr. Takkekar, learned Counsel for the respondent no.2 and Mr. S. Karpe, learned Assistant General Solicitor for the respondent nos. 1 and 3.

2. In pursuance of our earlier order, there is an affidavit filed on behalf of respondent no.2 in this petition.

3. Paragraphs 12 and 13 of this affidavit read as follows :

*“12. I say that there are some learned who had approached the Hon'ble Supreme Court of India challenging the same Notification and with the same allegations; however, some of are withdrawn or disposed of as dismissed. I say that matter filed by Sonia Singh vs. NIOS bearing WP No. 904/2020, the Hon'ble Supreme Court upheld the assessment scheme of the NIOS and found no infirmity in deciding the representations as well as assessment scheme of the respondents. Hereto annexed and marked as Exhibit R-6 is the order passed in WP No.904/2020 by Hon'ble Supreme Court of India.*

*13. I say that, the Director (Evaluation) of NIOS may not have any objection in case the present Petitioner request through her Regional Director, NIOS (the region where she has registered herself) for appearing ongoing examination. IF such a request is made, as a special case, the learner/Petitioner will be permitted to book the available seat at the available Exam centre for the subjects available under On Demand examination facility.”*

4. Mr. Ramaiya, the learned Counsel for the petitioner, states that the petitioner has already made necessary representation to respondent no.2 seeking leave to appear at the ongoing examination. Mr Ramaiya, submits that by taking into consideration the current pandemic situation, if the petitioner is to be granted any realistic relief, the petitioner should be allotted the examination centre in Goa.

5. Now, that a representation has been made, we direct the respondent no.2 to consider and dispose off the same at the earliest so that the petitioner has an opportunity to answer examination at the earliest possible slot. Further, we direct that if there is any examination centre in Goa, then the petitioner be permitted to answer her examination from the examination centre at Goa. This is because during these times of pandemic, it will be extremely difficult for the petitioner to answer these examinations at a centre outside Goa.

6. We now post this matter on 02.11.2020, on which date, the respondent no.2 will put forth the decision taken on the representation of

the petitioner. There will be no necessity to file any affidavit and statement can be made by Mr. Takkekar, learned Counsel appearing for the respondent no.2.

7. We appreciate the prompt response from Respondent No. 2 so far and the sympathetic consideration given to the Petitioner who is a domestic help.

M. S. JAWALKAR

M. S. SONAK, J.

arp/\*