

**LOKPAL OF INDIA**  
**(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)**  
**New Delhi- 110070**  
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**Complaint No.** : 47/2024

**Date** : 13.06.2024

**Coram** : **Shri Justice A.M. Khanwilkar**  
**Chairperson**

**Shri Justice L. Narayana Swamy**  
**Judicial Member**

**Shri Justice Sanjay Yadav**  
**Judicial Member**

**Shri Sushil Chandra**  
**Member**

**Shri Justice Ritu Raj Awasthi**  
**Judicial Member**

**Shri Pankaj Kumar**  
**Member**

**Shri Ajay Tirkey**  
**Member**

**ORDER**

1. In furtherance to Order dated 10.04.2024 the Secretary, Department of School Education and Literacy, Ministry of Education, Government of India while expressing a regret for the inconvenience caused has furnished

the report received by the office on 10.06.2024. Wherein a statement is made that the earlier comments over the signature of the Under secretary to the Government of India were framed under his supervision after meticulously and diligently going through all the background material of the case. The comments furnished represented the view point of the undersigned and not merely that of the signatory of the letter.

2. Be that as it may. The Secretary, Department of School Education and Literacy, Ministry of Education, Government of India has now furnished the para-wise comments qua the complaint/allegations which are reproduced hereunder for reference :-

*“4.As is evident from the enclosed comments, all the procedures laid down by the nodal Ministry i.e. DoPT were followed during the recruitment process. The recruitment process was transparent and equal opportunity was given to all eligible candidate. The very fact that the candidate finally selected by NIOS was subsequently selected by a U.N. agency only attests to the fairness of the process. I therefore do not agree with the complainant’s allegations regarding prejudice in the Selection committee decision making process to favour the pre-decided candidate; Conflict of Interest and Systemic Flaws within the selection process and dual role of Chief Vigilance Officer.*



5. The matter regarding Chief Vigilance Officer of NIOS requires more elaboration. The Ministry of Education has a vigilance unit headed by a Joint Secretary level officer who is also the CVO of the Ministry. CVO, MOE, exercises appropriate control over all vigilance matters in the Ministry including its autonomous bodies. Further, each autonomous body of DoSEL has a CVO who is appointed after following the due procedure including prior consultation with CVC. However, sometimes due to lack of availability of suitable officer, an officer from the concerned autonomous body is appointed as CVO, with the approval of competent authority, but this is done only as temporary measure.”

“Para-wise comments on the order dated 10.04.2024 by Hon’ble Full Bench of Lokpal of India on complaint no. 47/2024

Para No.	Lokpal order para	Comments of this Ministry based on inputs of NIOS
1.	The complaint is placed before the Full Bench for consideration of the Scrutiny Report and to pass appropriate order.	Matter of record and hence no comments
2.	Perused the Scrutiny Report. We are disposed to condone the remarks made by the office in this report and entertain the complaint being tenable.	Matter of record and hence no comments
3.	This complaint pertains to alleged irregularities in the selection process for the post of Director ( Vocational Education) at the national Institute of Open Schooling ( NIOS), by the Chairperson of NIOS and unknown Joint Secretary of the Department of School Education and Literacy, Government of India.	Matter of record and hence no comments
4.	The complaint outlines issues, such as:-  (i) Failure to provide Evaluation Criteria despite repeated requests	(a) NIOS is an Autonomous Institution under Ministry of Education , Government of India established under Societies Registration Act. 1860. It aims to provide sustainable inclusive learning with universal and flexible access to quality



		<p>school education and skill development.</p> <p>(b) On 21.01.2023 one post of Director (Vocational Education) was advertised vide advertisement No. NIOS/RC/01/2023 (Annexure-I). In response to the advertisement, NIOS had received 65 applications for the said post. A committee was constituted with the approval of Competent Authority to screen the application met on 21.03.2023 and found 30 candidates were meeting the minimum eligibility criteria. Thereafter, with the approval of Competent Authority the list of eligible and ineligible candidates was placed on NIOS website on 28th March, 2023 inviting comments from the candidate, if any (Annexure-II).</p> <p>(c) On receipt of comments from the applicants, the same were placed again before the duly constituted committee. The committee found four more candidates eligible after going through their representation. Finally, a list of 34 candidates (who were meeting the minimum eligibility criteria) was uploaded on NIOS website on 10th May, 2023 (Annexure-III). Thereafter, all the eligible candidates were asked to appear before the selection committee for interview. Concerned Joint Secretary of DOSEL was a member of the Selection Committee.</p>
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		<p>Information regarding interview was sent through email and speed post to all the shortlisted candidates. It is pertinent to mention that xxxxxxxx was not found eligible in the first screening (refer Paragraph 10 of list of ineligible candidates) and was found suitable when opportunity to represent against the observation was given to all ineligible candidates.</p> <p>(e) Interview for the post of Director (Vocational Education) was held on 11.07.2023 and candidates were interviewed by the duly constituted selection committee. A total of 26 candidates appeared for the interview. Thereafter, the minutes of the selection committee were placed before the Executive Board of NOS Society and after approval of the Executive Board (Annexure- IV); Offer of appointment was issued to the selected candidate. In terms of para 4.1.11 of NIOS rules 2007, all decision of selection committee is by simple majority. In case there is a tie the Chairman of the Committee shall have a casting vote (Annexure-V)</p> <p>In terms of relevant instructions of DOP&amp;T, Govt of India selection committee enjoys full discretion to devise its own method and procedures for objective assessment of the suitability of candidates</p>
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		<p>who are to be considered by them. However, the criteria so adopted should be fair, equitable &amp; transparent and the same must be made uniformly applicable to all the candidates. (Relevant extracts of the DOPT OM No. 22011/5/86-Estt. (D) dated 10.04.1989 may seen at (Annexure-VI).</p> <p>Further, NIOS vide letter No. 44-1/2023/NIOS Admn/Rectt/747-748 dated 30.11.2023 has intimated the applicant that the recruitment for the post of Director (Vocational Education) was done as per NIOS norms. (Annexure-VII). The factors accessed by the selection committee are:-</p> <ul style="list-style-type: none"> <li>(a) Domain Knowledge 60%</li> <li>(b) Emotional Balance Stability 10%</li> <li>(c) Communication Skill 10%</li> <li>(d) ICT Knowledge 10%</li> <li>(e) General Awareness 10%</li> </ul>
	<p>(II) Lack of justification for the rejection of complainant's candidacy.</p>	<p><b>XXXXXXXX</b> was not found eligible in the first screening and was found suitable when opportunity to represent against the observation was given to all ineligible candidates.</p> <p>Further, general condition (S. No.31) of the NIOS advertisement No. NIOS/RC/01/2023 to</p>

		<p>the post of Director (Vocational Education) for which applicant had applied, elaborates that "No correspondence or personal enquiries whatsoever will be entertained from candidates regarding result of interview and reasons for not being called for interview".</p>
	<p>(iii) Evidence suggesting bias and prejudice in the Selection Committee decision making process to favour the pre-decided candidate.</p>	<p>As indicated above, the Selection Committee judged the candidates on the following criteria:-</p> <ul style="list-style-type: none"> <li>(a) Domain Knowledge 60%</li> <li>(b) Emotional Balance Stability 10%</li> <li>(c) Communication Skill 10%</li> <li>(d) ICT Knowledge 10%</li> <li>(e) General Awareness 10%</li> </ul> <p>There is no evidence to suggest that the selection Committee recommended a pre-decided candidate or its decisions were prejudiced. The Selection Committee evaluated the candidates based on their educational qualification, experience and performance before the Selection Committee. The procedure adopted by the Committee followed the instructions of DOPT in this regard.</p> <p>The Selection Committee did not recommend <b>XXXXXXXX</b> based on the above criteria.</p>

	(iv) Conflict of Interest and Systemic Flaws within the selection process including the composition of the selection committee and the dual role of the Chief Vigilance Officers (CVO), NIOS.	No full time CVO is appointed in NIOS. A temporary arrangement was made wherein <b>XXXXXXXX</b> , Joint Director held the position of part time CVO till her superannuation on 31.03.2024 . She did not deal with recruitment, tendering, procurement and / or security of the Institute. Currently, position of part time CVO in NIOS is held by <b>XXXXXXXX</b> , Director Evaluation. <b>XXXXXXXX</b> is also not dealing with recruitment, tendering, procurement and / or security of the institution. The present part time CVO was not a part of the Selection Committee & did not take part in the selection process.
5	The complainant has prayed that these allegations, being serious allegations, be duly investigated and taken to its logical end in accordance with the law. It is also urged by the complainant that the systemic deficiencies are across the Government organizations, which must be looked into and remedial measures provided for.	The comments of the department on the serious allegations of the complainant have been prepared after carefully going through the background papers of the case provided by NIOS. Copies of these papers have been annexed with this note.
6.	Having considered the complaint and the accompanying documents, in our considered opinion, it would be appropriate to first seek comments of the Secretary, Department of School Education & Literacy, Ministry of Education. That be submitted by the Secretary in a sealed cover, to the Registry of Lokpal of India within 04 (four) weeks from the date of receipt of the communication.	Noted.

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7.	We may impress upon the Secretary, Department of School Education & Literacy, Ministry of Education, observe confidentiality, including issues of privacy of all concerned keeping in mind the spirit of Section 20(9) of the Lokpal and Lokayuktas Act. 2013 (Act) read with Rule 4(a) and 4(b) of the Lokpal (Complaint) Rules 2020.	Complete confidentiality have been followed and maintained including issues of privacy of all concerned as per Section 20(9) of the Lokpal and Lokayuktas Act. 2013 (Act) read with Rule 4(a) and 4(b) of the Lokpal (Complaint) Rules 2020.
8.	We also direct the Registry to forthwith forward a copy of the complaint and other accompanying documents along with the Order passed today to the Secretary, Department of School Education & Literacy, Ministry of Education, with making on the envelope " Confidential and to be open by the Addressee."	Matter of record and hence no comments.
9.	List this case on 17.05.2024 for consideration of comments of the Secretary. In case, the comments in sealed cover are received earlier, the Registry may list the case in following week before the full Bench.	Matter of record and hence no comments.

3. Having closely perused the comments tendered by the Secretary, Department of School Education and Literacy, Ministry of Education, Government of India, including the relevant documents. We agree with the observations of the Secretary, Department of School Education and Literacy, Ministry of Education, Government of India. In other words, we do not find any substance in the allegations of corruption as stated in the complaint.

4. Consequently, the proceedings are dropped.



5. The complaint is disposed of finally in above terms.

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Justice G. S. ...  
Court Master

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Justice L. ...  
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