

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2286 of 2023

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Khushbu Kumari Daughter of Ranjeet Kumar, Resident of Village- Anjunar,
Post Office- Dhanar, Police Station- Kauakole, District- Nawadah, State-
Bihar, PIN- 805101.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Human Resource,
Government of India, New Delhi.
2. National Institute of Open Schooling (NIOS) the Director having its office at
A- 24/25, Sector- 62 NOIDA (U.P.), PIN- 231189.
3. The Joint Director, NIOS having its office at NOIDDA(U.P.).
4. The Regional Director, NIOS, Patna having its office at Lalit Bhawan,
Bailey Road, Patna.
5. The Coordinator, NIOS Study Centre, Urdu Girls School, Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the Respondent/s	:	Mr. Ram Tujabh Singh, CGC
		Mr. Radhika Raman Singh, Sr. CGC
For Resp. No. 5	:	Mr. Bimal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-12-2025

Heard the parties.

2. The petitioner who was duly enrolled under National Institute of Open Schooling (in short 'NIOS') for Diploma in Elementary Education Course during session 2017-2019 has invoked the jurisdiction of this Court seeking issuance of a writ in the nature of mandamus directing the concerned authorities of NIOS to publish the result of the petitioner for the course of Diploma in Elementary Education Training.

3. Learned Advocate for the petitioner submitted that



after successfully completing the training at Study Center, the petitioner had duly appeared in Diploma in Elementary Education Examination in all the subjects held between 10.01.2020 to 18.01.2020. The result of the examination was published, however, to the utter dismay and surprise, the petitioner was shown absent in subject code 510 (Leaving Science at Upper Primary Level). The petitioner immediately rushed to the respondent Coordinator of the NIOS Center, who verified from the records and found some mistake occurred in complying marks and mentioning the same against subject code 509 in place of subject code 510 and thus, the Coordinator of the NIOS Study Center has forwarded the claim to the office of the NIOS for making necessary correction. Despite the correspondences and efforts taken by the petitioner, the rectification could not be done.

4. It is the specific contention of the learned Advocate for the petitioner that there had never been any fault on the part of the petitioner and, as such, for the fault of the Study Center the petitioner could not be allowed to suffer. Non-rectification of the mistake will cause irreparable loss and ruin her career in future; hence the present writ petition.

5. A counter affidavit has been filed on behalf of



respondent nos. 2 to 4. It is specifically contended that all activities related to TMA, SBA, WBA and Practical and PCP in Diploma in Elementary Education courses were successfully completed by 31st of March, 2019 and no extension period for conducting any activity was given to the Study Center. So far the petitioner is concerned, her candidature was duly verified by the Study Center Coordinator and in the subject 510 she has been marked as absent on the basis of said remark, the result was declared. If there was any mistake in uploading the marks submitted by the Study Center, Coordinator had not presented any application/request to the State Nodal Officer, before the declaration of the result. It is further contended that the State Nodal Officer, who was appointed by the State, also did not inform the NIOS for any mistake as raised by the petitioner. Reliance has also been placed on a decision rendered by this Court in the case of ***Md. Ataur Rahman & Ors. vs. The Union of India & Ors., C.W.J.C. No. 16214 of 2019*** which came to be disposed off on 19.10.2022 wherein the Court stated that “the persons who have not acquired their training as on 31.03.2019 are held to be ineligible to hold the post of teacher after 31.03.2019 in the Primary Schools”.

6. Learned Advocate for the State reiterated the



submissions as canvassed by the learned Advocate for the NIOS.

7. Having considered the submissions and taking note of the materials available on record, it is evident that the facts are not in dispute that on account of mistake committed at the hands of the Study Center, the practical marks in subject code 510 has been inadvertently mentioned against subject code 509 and unfortunately, the petitioner despite who appeared in the examination, has been shown to be absent against the subject code 510. The Coordinator of NIOS Study Center verified the mark chart of practical examination given to each candidates and admitted the mistake and forwarded the application of the petitioner, with a request to make the necessary correction on 09.06.2020. The said letter has been forwarded in the name of respondent no. 4, the Director, NIOS, Patna for necessary correction and publication of result.

8. Suffice it to observe that a person cannot be made to suffer on account of the lapse of the respondent, moreover, it is a case where the academic career of the petitioner is at stake. If the necessary correction would not be done, she has to suffer on all the corner of her life. So far the decision over reliance has been placed by the learned Advocate for the NIOS, this Court



does not find that it governs the issue which only relates to rectification of the mistake in the marksheet and the certificate and not with regard to eligibility to hold the post of teacher.

9. In view thereof, this Court finds substance in the writ petition, accordingly directs the respondent no. 4 to make necessary correction in the marksheet/certificate of the petitioner after proper verification, preferably within a period of six weeks' from the date of receipt/production of a copy of this order. Any delay in making correction shall be treated as defiance of the order of this Court.

10. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.12.2025
Transmission Date	NA

