

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17188 of 2023

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Laxmi Kumari D/o Yogendra Prasad Mehta, Wife of Vikash Kumar, Resident of Village- Haripur, PS-Forbesganj, District-Araria, at Present residing Gadhiya, Ward No.8, PS-Bhavtiyahi, District-Supaul.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Education Department. Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Director, National Institute of Open Schooling, Regional Centre, Bihar, Patna.
5. The District Education officer, Araria, Dist-Araria.
6. The Headmaster/Convenor, Study Centre Co-ordinator and 2 Higher Secondary School Kuari, Araria,,Dist-Araria.
7. The Union of India, through the Chairman of National Institute of Open Schooling, Plot No.A-24/25 Institutional Area, Sector-60, Noida, District-Gautam Budh Nagar, Uttar Pradesh- 201309.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate Mr. Bishwa Nath Mishra, Advocate Ms. Isha Mishra, Advocate
For the Respondent State:		Mr. Jitendra Kumar Roy 1, SC- 13 Mr. Aitesh Suman, AC to SC-3
For the Respondent UoI:		Dr. K.N.Singh, Add.S.G. Mr. Manoj Kumar Singh, C.G.C. Mr. Ankit Kumar Singh, Advocate Mr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 20-11-2025 Heard the parties.

2. The petitioner, who took admission in Diploma in Elementary Education, Study Centre +2 Higher Secondary School, Kuari, Araria, after completion of the training, submitted application fees and forms for the examination of Session 2017-19. On being found eligible, admit card was



issued and the petitioner appeared for the examination conducted by the National Institute of Open Schooling (NIOS). The respondent NIOS issued the marks-sheet, however, the petitioner found that though in the practical examination she secured 78 marks out of 100 marks, as per the records of the examination in the study centre, but the petitioner has been awarded only 18 marks in the marks-sheet.

3. The petitioner immediately approached before the Centre Coordinator of NIOS, D.El.Ed., Study Centre +2 High School, Kuari, Araria, and submitted the application with bank draft of Rs.1500.00 in favour of the Secretary, NIOS, for proper correction of the marks, but the same has not been considered. Thereafter, the petitioner also approached the Regional Director, NIOS, Patna, on various occasions for correction of the marks-sheet for the subject code 513 with the bank draft, but to no effect. To support the aforesaid contention, various documents have been produced on record. It is also submitted that the work-shop based activities of Diploma in Education second year NIOS clearly manifest that the petitioner was awarded 78 marks out of 100 in practical, the copy of which is also placed on record as Annexure-P/16 to the rejoinder of the counter affidavit. Despite the sincere efforts made by the petitioner



when the correction could not be not done, she invoked the jurisdiction of this Court seeking a direction upon the respondents to make due correction/amendment of the marks in the marks-sheet for subject code 513 under Workshop Based Activities pertaining to practical examination of Session 2017-19, for which due fee has already been deposited.

4. A counter affidavit has been filed on behalf of the NIOS with a submission that the request letter of the Study Centre Coordinator and the petitioner has not been received after closing of the diploma in elementary education project. The project was time bound and the cut off date was prescribed till 31.03.2019, thus, no question arises to consider the request letter of the Study Centre Coordinator, therefore, the correction could not be done. Moreover, the petitioner has been awarded marks after proper verification of the Study Centre Coordinator.

5. Having considered the limited grievance of the petitioner, this Court directs the respondent No.7 to verify the averments made by the writ petitioner in terms with the enclosures made in the writ petition specially Annexure-P/16 afresh, preferably within a period of eight weeks from the date of receipt/production of a copy of this order. In case the grievance of the petitioner is found to be genuine, necessary



correction in the marks-sheet must be done within the stipulated period; and in case the claim is found otherwise, inform the petitioner with cogent reason.

6. Accordingly, the writ petition stands disposed of with the aforesaid observations and direction.

(Harish Kumar, J)

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