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WP-27027-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE THE ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 18th OF JUNE, 2025

WRIT PETITION No. 27027 of 2023

AKHILESH KUMAR SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Sanjeev Kumar Singh - Advocate for the petitioner.

Shri Darshan Soni - Government Advocate for respondents/State.
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Reserved on : 17/05/2025

Pronounced on: 18/06/2025

ORDER

Per. Sanjeev Sachdeva

1. The grievance of the petitioner is that though the petitioner appeared in the IInd Year Practical Examination of D.El.Ed in the year 2019 but the marks awarded in practical and TMA were not reflected in the marksheet issued by National Institute of Open Schooling (in short NIOS). In the marksheet, practical marks of workshop based activity and practical teaching as well as TMA marks for understanding children in inclusive contexts, community and elementary education, learning in art, health, physical and work education and learning school science at Upper Primary Level were not reflected.



2. Notices issued to respondent No.5/National Institute of Open Schooling have been duly served, but neither anyone appeared on their behalf nor any reply has been filed and, therefore, they are proceeded *ex-parte*.

3. Learned counsel for petitioner submits that the petitioner who was teaching in Bal Bharti Public High School, Bhagwan Sadan, Ramnagar Gate, Amarpatan, District-Satna appeared in D.El.Ed Ist Year Examination in 2017-2018 and, thereafter appeared in the IInd Year Examination in March, 2019, but in the marksheet, practical marks and TMA marks were not reflected and, therefore, the petitioner approached the authorities. When the petitioner approached respondent No.6/ Bal Bharti Public High School, Bhagwan Sadan, Ramnagar Gate, Amarpatan, District-Satna, it was informed to the petitioner that practical and TMA marks of the petitioner along with other trainees were duly sent by the Study Centre to NIOS, Bhopal through e-mail and registered post on 16.12.2018. He further submits that despite forwarding the marks by the Study Centre, the same have not been reflected in the IInd Year marksheet of the petitioner. He further submits that the petitioner is not at fault and the marks obtained by the petitioner in practical and TMA ought to have been reflected in the marksheet, but the same have not been reflected due to irresponsible attitude of the officers of NIOS, Bhopal. He prays for issuance of necessary direction to reflect the practical and TMA marks of IInd Year in the relevant marksheet of the petitioner.

4. Learned counsel appearing on behalf of respondent No.1 to 3 and 6



submits that the Study Centre has forwarded the marks of the petitioner along with other trainees to NIOS, Bhopal on 11.07.2019 and 07.09.2019 and, thereafter, when the trainees approached the Study Centre informing that the marks have not been fed in the marksheet, the Study Centre again forwarded the marks to NIOS, Bhopal on 01.02.2021 and 21.09.2021.

5. From the record and submission of the parties, it is apparent that the petitioner appeared in the IInd Year Examination of Two Year Course of D.El.Ed and also appeared in the practical exams and submitted the assignments to the Study Centre. The marks awarded to the petitioner and other trainees by the Study Centre for practical and assignments i.e. TMA were duly forwarded to NIOS, Bhopal, but the same were not shown in the marksheet of the petitioner on the ground that those marks were not duly certified by the Study Centre. Upon the request of the trainees, the Study Centre once again forwarded the marks to NIOS, Bhopal and, thereafter upon instruction issued by NIOS, Bhopal duly certified and forwarded again, however, the marksheet of the petitioner has not been corrected so far.

6. In the above conspectus, considering the fact that petitioner was not at fault and he duly appeared in practical exam and submitted the assignment, the marks awarded to the petitioner for practical and TMA ought to have been recorded in the marksheet. Clearly, NIOS, Bhopal has committed an error in not reflecting the marks despite receipt from Study Centre twice and, therefore, we deem it proper to allow the present petition with a direction to respondent No.5/National Institute of Open Schooling, Bhopal to issue a fresh marksheet to the petitioner for IInd Year of D.El.Ed



Course, 2019 duly reflecting the marks obtained by the petitioner in practical and TMA within a period of 60 days from the date of receipt of certified copy of this order.

7. The petition is disposed of in the above terms. No order as to costs.

(SANJEEV SACHDEVA)
ACTING CHIEF JUDGE

(VINAY SARAF)
JUDGE