IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

B E F O R E

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT APPEAL No. 3418 of 2026

CNR No.: MPHC020377042026

MP BOARD OF SECONDARY EDUCATION BHOPAL
Versus
JAYENDRA KUMAR LABANA AND OTHERS

Reserved on 27/10/2026
Pronounced on 05/11/2026

Appearance:

Ms. Darshana Baghel - Advocate for the appellant.
Shri Anirudh Patwa, Advocate for the respondent no.1.

ORDER

Per*: *Justice Subodh Abhyankar

1. The present writ appeal has been preferred by the appellant/Board under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, being aggrieved of the final order dated 25/08/2026 passed by the writ Court in W. P. No. 25803 of 2026, whereby the petition filed by the writ petitioner/respondent No.1 herein has been disposed of with a direction to the Appellant/Board to rectify the photograph appearing on the petitioner's mark-sheets pertaining to the academic session of 2018-

2020 for the course of Diploma in Elementary Education and issue the amended/corrected mark-sheets.

2. The briefs facts of the case are that respondent No.1 (original writ petitioner) had pursued a two-year course for Diploma in Elementary Education for the academic session of 2018-2020, from Tagore Shiksha Mahavidyalaya/respondent No.3 herein, affiliated to Devi Ahilya Vishwavidhyalaya, Indore/respondent No. 4 herein. Upon issuance of mark-sheets (Annexure P-1) by the appellant/Board, the respondent no.1/petitioner observed that an improper photograph in the form of his Aadhaar Card came to be reflected on aforesaid mark-sheets whereas he had submitted all requisite documents, including his own photograph at the time of admission to the concerned institution, respondent No. 3 herein.

3. It was the case of the petitioner that upon raising the said grievance before respondent No.3, it subsequently issued a certificate dated 19/06/2026 (Annexure P-2), stating that an incorrect photograph had inadvertently been uploaded and further addressed a communication dated 19/06/2026, to the Appellant/Board for issuing the amended/corrected mark-sheets. In the meanwhile, respondent No.1 was also selected for the post of Primary School Teacher under the Rajasthan Staff Selection Board. As the document verification was scheduled to commence from 15/07/2026, respondent No. 1 apprehended rejection of his documents due to incorrect photographs on his mark-sheets. Accordingly, respondent. No. 1 preferred the writ petition seeking direction to the authorities to rectify the said mark-sheets and issue corrected mark-sheets thereon.

4. The writ Court, after hearing the parties, proceeded to direct the

petitioner to submit an application before the appellant/Board and the Board was directed to rectify the photograph and issue the corrected mark-sheets to the petitioner/respondent No. 1, preferably within a period of 7 days. Being aggrieved of the aforesaid order, the Appellant/Board has preferred the present appeal.

5. Ms. Darshana Baghel, learned counsel for the appellant/Board has submitted that the Writ Court has erred in directing the correction of mark-sheets without considering that the respondent No.1 raised his grievance before the Appellant/Board after an undue delay of approximately six years since the issuance of mark-sheet.

6. Ms. Bhaghel, while drawing attention of this Court to Clause No. 4 of the governing order dated 14/01/2015 (Annexure A-2), would submit that such amendment/correction is permissible only within a period of one year, being the period of limitation. It is further submitted that the Instructions Booklet issued by the Appellant/Board separately required the concerned institution to preserve the relevant attendance and supporting record for a period of three years. Therefore, the examination-stage records have ceased to be available to the appellant/Board.

7. Counsel for the appellant/Board would further contend that in pursuance of the impugned order, the respondent No.3 Tagore Shiksha Mahavidyalaya has also addressed a communication dated 29/08/2026 for rectification of the mark-sheets to the Appellant but the mistake was on its part only. Counsel further contends that the appellant was unable to satisfactorily verify the photographs based on the admission-stage documents.

8. Counsel for the appellant would further submit that the decision

rendered by a Single Bench of this Court in ***Smt. Roopa Yadav vs. State of Madhya Pradesh & Ors. passed in W. P. No. 43759 of 2025 dated 20/07/2026*** is distinguishable on facts as in the aforesaid case; the student/petitioner therein immediately raised an objection to the incorrect photograph in her mark-sheet, whereas in the instant case, respondent No. 1 has only approached the Board after a period of almost six years.

9. Counsel for the appellant has further placed reliance on a decision rendered by a Single Bench of this Court in ***Mahipal Singh Yadav vs. Board of Secondary Education & Ors. in W. P. No. 17425 of 2022 dated 29/07/2022*** to submit that no interference was warranted in view of the delayed request for correction and the time limit fixed by the Board, whereas the said order was also affirmed by the ***Division Bench of this Court in Mahipal Singh Yadav vs. Board of Secondary Education & Ors. in W. A. No. 1056 of 2022 dated 05/09/2022*.** On the strength of these submissions, it prayed that the impugned order be set aside and the instant appeal deserves to be allowed.

10. *Per contra*, learned counsel for respondent No.1 would contend that in the present case, the relief sought only pertains to rectification and does not amount to any material change and that his correct photograph be affixed on his mark-sheets for the purposes of his educational record. It is further submitted that Clause No. 4 of the governing order dated 14/01/2015 (Annexure A-2) provides a mechanism for correction of errors and is in the nature of an administrative order and not a statutory provision.

11. In support of his submissions, counsel would place reliance on the decision rendered by a Three-Judge Bench of the Supreme Court in

Jigya Yadav vs. Central Board of Secondary Education & Ors. reported as (2021) 7 SCC 535.

12. Counsel for respondent No.1 would also contend that he has been selected for the post of Primary School Teacher under the Rajasthan Staff Selection Board and apprehends that the incorrect photograph appearing on his mark-sheets is likely to create difficulties during verification stage and may adversely affect his candidature. On the aforesaid grounds, learned counsel submits that no interference is warranted and prays that the instant appeal be dismissed.

13. Heard learned counsel for the parties and perused the record.

14. From the record, it is apparent that in the mark-sheet of the respondent no.1/petitioner photograph of his Aadhaar Card has been uploaded which is also not disputed by the parties. The only bone of contention is the period of limitation as according to the appellant/Board, even if there was an error on the part of the appellant, as per Clause 4 of the Board's order dated 14/01/2015, which provides for correction in photographs, it ought to have been requested by the respondent no.1 within one year from issuance of the mark-sheet. However, admittedly the respondent no.1 approached the appellant/Board after a period of around six years.

15. The appellant's contention is that the error crept in from Tagore Shiksha Mahavidyalaya/the respondent No.3, who erred in providing the proper photographs to the appellant as the said photographs were certified by the Principal and the District Education Department.

16. It is also the contention of the respondent no.1 that as per Clause 4 where a correction different from the available records is sought, the student's application must be forwarded with a photograph certified by

the concerned Principal and the District Education Officer. Whereas, the respondent no.1/petitioner had already filed the documents (Annexure P-2) certifying dated 19/06/2026 by the Principal Tagore Siksha Mahavidyalaya Indore/respondent no.3, which reads as under:-

"TAGORE SHIKSHA MAHAVIDYALAYA
(RUN BY NUTAN SHIKSHAN SAMITI)
Arihant Nagar, Gommatesh City, Behind Gommatgiri, Indore (M. P.)
City Office: 14, Ganji Compund, (Near Chimanbag Chouraha), Indore (M. P.)
Phone: 2545747, Mobile: 94253-52429

Ref. No.: 21326 Date: 19/06/26

यह प्रमाणित किया जाता है कि छात्र जयेंद्र कुमार लबाना पुत्र श्री रमेशचंद्र लबाना ने इस संस्थान से D.El.Ed. पाठ्यक्रम सत्र 2018-2020 में पूर्ण किया है। छात्र की D.El.Ed. अंकतालिका/मार्कशीट पर मुद्रित फोटो त्रुटिवश छात्र के वास्तविक फोटो के स्थान पर छात्र का आधार कार्ड का फोटो अंकित हो गया है। छात्र का वास्तविक एवं सही फोटो इस प्रमाण-पत्र पर संलग्न/अंकित फोटो है।

अतः संबंधित विभाग/कार्यालय से अनुरोध है कि छात्र की पहचान इस प्रमाण-पत्र पर संलग्न फोटो के आधार पर स्वीकार की जाए।

धन्यवाद

01. रोल नंबर:- I YEAR 39530313 II YEAR 40530303

02. सत्र 2018-2020

प्राचार्य
टैगोर शिक्षा महाविद्यालय
इंदौर (म.प्र.)"

17. We find that according to the respondent no.1/petitioner, so far as the submission of the requisite documents are concerned there was no error on his part, however the error has crept only in the institution *i.e.,* Tagore Siksha Mahavidyalaya Indore in which he was studying as in place of his photograph his Aadhaar Card has been uploaded and on the basis of which, the mark-sheet has been issued by the appellant in a mechanical manner. Admittedly, the respondent no.1/petitioner is a resident of Rajasthan and could not approach the Board on time for correction of his photographs and in between the period of Covid was also there from 2022 to 2023.

18. We are also of the considered opinion that if the aforesaid error in the mark sheet of the respondent no.1 is not rectified at this juncture, it would prejudicially affect him for rest of his life and he might not be able to procure any job on the basis of the same, despite the fact that there was no error on his part if such mark-sheet was issued to him except that he approached the authorities after around six years. We are of the considered opinion that the writ jurisdiction of this Court is also called the extraordinary jurisdiction, and it is for the cases like these only when such jurisdiction is required to be invoked as a citizen cannot be allowed to suffer on account of procedural mistake not committed by him but by the other party and one of the State's departments. At this juncture, reference may be had to the decision rendered by the Supreme Court in ***Jigya Yadav vs. Central Board of Secondary Education & Ors. reported as (2021) 7 SCC 535***, relevant paragraphs of which read as under:-

> **136.** The limitation as regards maximum period up to which changes can be permitted also requires a different approach. Upon receiving the certificates, the student would naturally be put to notice of the particulars of certificates. Due to young age and inadvertence including being casual and indolent, a student may fail to identify the errors or to understand the probable impact of those errors and accordingly, may not apply for rectification immediately. It is also possible that a student may not have to use the certificates immediately after passing out and by the time she uses them, the limitation period for correction may elapse. Therefore, a realistic time for permitting corrections is very important. Indeed, it can be commensurate with the statutory or mandatory period up to which CBSE is obliged to preserve its old record.
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> **143.** It would not be out of place to note that the two parties here — the Board and students — are not in an equal position of impact. In other words, the balance of convenience would tilt in favour of students. For, they stand to lose more due to inaccuracies in their certificates than the Board whose sole worry is increasing administrative burden. The obligation of Board to take additional administrative burden is no doubt onerous but the propensity of a student los-

ing career opportunities due to inaccurate certificate is unparalleled. Illustratively, a juvenile accused of being in conflict with the law or a victim of sexual abuse whose identity gets compromised due to lapses by media or the investigative body, despite there being complete legal protection for the same, may consider changing the name to seek rehabilitation in the society in exercise of her right to be forgotten. If the Board, in such a case, refuses to change the name, the student would be compelled to live with the scars of the past. We are compelled to wonder how it would not be a grave and sustained violation of fundamental rights of the student. In such circumstances, the avowed public interest in securing rehabilitation of affected persons would overwhelm the Board's interest in securing administrative efficiency. In fact, it would be against the human dignity of the student, the protection whereof is the highest duty of all concerned. A Board dealing with maintenance of educational standards cannot arrogate to itself the power to impact identity of students who enrol with it. The right to control one's identity must remain with the individual, subject, of course, to reasonable restrictions as observed above and as further discussed later.

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182. The impugned judgments categorically note that the request for changes could not be permitted as per the bye-laws. Thus, there was no demonstration or inquiry to determine the existence of any legal right in favour of students. Even if we assume that courts issued directions purely on the basis of fundamental rights, there is no discussion or inquiry in this regard. More so, there is no attempt to examine the vires of the bye-laws in light of the breach of fundamental rights, as discussed in the initial part of this judgment. Absent any such adverse determination on the validity of the applicable rules, the fundamental principle of rule of law demands that such rules be given their intended effect. Even if a constitutional court feels that the case at hand is deserving of an extraordinary remedy, it may do so using its wide powers under Article 226 but only upon specific appraisal of the facts of the case and after duly demonstrating the extraordinary character of the case. Despite holding that the prayers are impermissible under the bye-laws, the Courts in the present set of cases went on to issue directions to the Board without having any regard to the factual circumstances of the case or to the nature of changes sought by the students, by mechanically relying upon the dictum in *Subin Mohammed* [*Subin Mohammed S.* v. *Union of India*, 2015 SCC OnLine Ker 39731 : (2016) 1 KLT 340] . We must note that *Subin Mohammed* [*Subin Mohammed S.* v. *Union of India*, 2015 SCC OnLine Ker 39731 : (2016) 1 KLT 340] is not in challenge before us but must be now understood in terms of opinion recorded in this judgment. Our concern is with the manner in which mechanical reliance has been placed upon the earlier decision for deciding cases which involved an altogether different set of

changes.

(Emphasis supplied)

19. We are also of the considered opinion that at times it is also not possible for the students to apply immediately after an error is found in their mark-sheet and in those cases where they have already passed the examination with flying colours; they may also ignore such minor errors in the mark-sheet. Hence, in order to avoid such unpleasant situation in future the appellants are also advised to mention this fact in the mark-sheet itself, advising the students to approach the authorities within the prescribed period of limitation which should also be mentioned in the foot note in the mark-sheet.

20. So far as the judgements relied upon by the counsel for the appellant are concerned, they are distinguishable on facts and are of no avail to it.

21. With the aforesaid observations, as we do not find any error in the impugned order, the appeal being devoid of merits is hereby ***dismissed.***

(SUBODH ABHYANKAR) JUDGE **(JAI KUMAR PILLAI) JUDGE**

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