

GAHC010166932023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4366/2023

UDDIPTA KASHYAP

S/O- LATE ANANDA RAM BORA, R/O- PUB-SARANIA, SANKAR DEV PATH,
H/NO. 15, CHANDMARI, GHY-03, DIST. KAMRUP(M), ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS

REPRESENTED BY THE SECRETARY, MINISTRY OF HUMAN RESOURCES
DEVELOPMENT TO THE GOVERNMENT OF INDIA, SHASTRI BHAWAN, C-
WING, DR. RAJENDRA PRASAD ROAD, NEW DELHI.

2:THE CENTRAL BOARD OF SECONDARY EDUCATION

REPRESENTED BY ITS CHAIRMAN (AN AUTONOMOUS ORGANIZATION
UNDER THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT)

HEAD OFFICE

NO. 2

SHIKSHA KENDRA COMMUNITY CENTRE

PREET VIHAR

NEW DELHI-110092.

3:THE CONTROLLER OF EXAMINATION

THE CENTRAL BOARD OF SECONDARY EDUCATION

HEAD OFFICE

NO. 2 SHIKSHA KENDRA COMMUNITY CENTRE

PREET VIHAR

NEW DELHI-110092.

4:THE REGIONAL DIRECTOR

CENTRAL BOARD OF SECONDARY EDUCATION

GUWAHATI REGION

SILPOGRAM ROAD
PANJABARI
GUWAHATI-781137.

5:THE PRINCIPAL

FRANCSISE DE SALES SCHOOL
NARENGI
ASSAM
PIN- 781171

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 13-09-2023

Heard Mr. M Islam, learned counsel for the petitioner. Also heard Ms. G Pegu, learned CGC for the respondent no. 1 in the Ministry of Human Resources Department and Ms. R Bora, learned counsel for the respondents no. 2, 3 and 4 being the authorities under the Central Board of Secondary Education.

2. Considering the nature of the order proposed to be passed, we are of the view that notice at this stage is not required to be issued to the respondent no. 5 being the Principal of Francis De Sales School, Narengi.

3. The writ petitioner Uddipta Kashyap presently aged about 23 years was a student in the respondent no. 5 school. The petitioner relies upon a death certificate of Amiya Gohain Borah who died on 19/10/2008 and the name of her husband is shown to be Ananda Ram Borah. The petitioner also relies upon another death certificate of Ananda Ram Borah whose date of death is 06.02.2008. The petitioner claims that the deceased Ananda Ram Borah is his

father and the deceased Amiya Gohain Borah is his mother and both the parents died when he was aged about 8 years.

4. In the circumstance, the petitioner was brought up by his uncle i.e. the younger brother of Ananda Ram Borah namely Krishna Bora and his aunt namely Ronju Bora. As at the relevant point of time when the petitioner took admission in the respondent no. 5 school, Krishna Bora and Ronju Bora had adopted the guardianship of the petitioner who was an orphan at that stage, it was recorded by the school authorities that the name of the father of the petitioner is Krishna Bora and the name of the mother of the petitioner is Ronju Bora.

5. Accordingly, when the petitioner appeared in the Secondary School Examination in the year 2016, the admit card issued by the Central Board of Secondary Education also depicted the name of the father of the petitioner to be Krishna Bora and the name of the mother to be Ronju Borah.

6. The petitioner now having attained majority desires that instead of the names of the uncle and aunt, although they have brought him up as he was an orphan, to be depicted as mother and father, he would like if the names of his actual father and mother are shown in the school records inasmuch as there are many other documents/identity showing the petitioner to be the son of Ananda Ram Borah and Amiya Gohain Borah instead of his uncle and aunt.

7. In the circumstance, the present writ petition is instituted.

8. We have heard Ms. R Borah, learned counsel for the Central Board of Secondary Education who is candid enough to state that it would be more appropriate for the writ petitioner to make an application to the respondent no. 5 school namely St. Francis De Sales Higher Secondary School who shall after

verification of all the materials and credentials that the petitioner may produce may correct the entries as regards the names of the father and mother of the petitioner in the school records. After doing the needful the Principal of St. Francis De Sales Higher Secondary School, Satgaon Narengi to forward the entire records to the Central Board of Secondary Education and the Central Board of Secondary Education in such event would do the needful to incorporate necessary correction and issue appropriate document to the petitioner depicting the name of his actual father and mother.

9. Accordingly, in the circumstance the writ petitioner is now required to file appropriate application along with the relevant materials before the Principal of respondent no. 5 school namely St. Francis De Sales Higher Secondary School, Satgaon Narengi and upon the said application being filed, the Principal to verify the documents and materials that the petitioner may produce regarding the identity of his father and mother and upon the authenticated documents being produced, the Principal is directed to incorporate necessary correction in their schools records and upon doing the needful to transmit the same to the Central Board of Education for incorporation of the correction in their records. Upon the same being done, the Central Board of Education shall also issue correct documents to the petitioner in the name of his actual father and mother.

10. The Principal to do the needful within a period of two months from the date of filing of the appropriate application that the petitioner may have made and thereafter, immediately transmit the records to the authorities in the Central Board of Secondary Education and the authorities in the Central Board of Secondary Education to issue the correct documents to the petitioner within a period of another one month from the date of receipt of records from the Principal of the St. Francis De Sales Higher Secondary School, Satgaon Narengi.

Writ petition stands allowed in the above terms.

JUDGE

Comparing Assistant