

GAHC010039312019



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

Case No. : WP(C)/1232/2019

WAHIDA SULTANA
D/O MOHAMMED ABDUL GAFFAR, R/O VILL. BATARASHI, P.O.
DHARAKUNA, DIST. KARIMGANJ, ASSAM 788712

VERSUS

THE CENTRAL BOARD OF SECONDARY EDUCATION AND 3 ORS. (H)
REPRESENTED BY ITS CHAIRMAN, SHIKSHA KENDRA 2, COMMUNITY
CENTRE, PREETVIHAR, NEW DELHI 110092

2:REGIONAL OFFICER
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE
SHILAGRAM ROAD
NEAR SHANKARDEV KALAKSHETRA
PANJABARI
GUWAHATI 781037

3:REGIONAL OFFICER
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE
35-B
M.G. MARG
CIVIL LINES
ALLAHABAD 211001
UTTAR PRADESH

4:THE PRINCIPAL
NOTRE DAME ACADEMY
JAMALPUR
MINGER
BIHAR 81121

Advocate for the Petitioner : MR. P DEKA

Advocate for the Respondent : SC, CBSE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 05.02.2024

None appears for the petitioner.

Heard Ms. R. Borah, learned standing counsel for the CBSE.

3. The petitioner by way of instituting the present proceedings has raised a grievance with regard to rejection of her prayer for correction of the name of her mother in the educational certificates issued to her by the Central Board of Secondary Education (CBSE).

4. The petitioner is the biological daughter of "*Md. Abdul Gaffar*" and "*Hasna Khanam*". The mother of the petitioner had died on 15.12.2002 and thereafter, the father re-married one *Rabia Begum*. In the school records of the petitioner, the name of her mother has been recorded as "*Rabia Begum*" i.e. her step mother in place of her biological mother "*Late Hasna Khanam*". The petitioner had completed her All India Secondary School Examination (AISSE) in the year 2008 under the CBSE and in the educational certificates issued to her the name of her father and mother has been recorded as "*Md. Abdul Gaffar*" and "*Rabia Begum*", respectively. The petitioner contends that while applying to various universities abroad

for higher studies, the petitioner realized that in her pass-port her mother's name was recorded as "*Hasna Khanam*", but, in her educational certificates issued by the CBSE authorities and others, the name of her mother was recorded as "*Rabia Begum*" i.e. her step mother. Accordingly, it is projected that confusion has arisen and it would become impossible for the petitioner to obtain necessary Visa for pursuing further studies abroad.

5. The petitioner, accordingly, applied before the Principal of Notre Dame Academy, Jamalpur requesting for change of her mother's name as recorded in her educational certificates as "*Hasna Khanam*" i.e. her biological mother. The said application on being placed before the authorities of the CBSE, the same came to be rejected vide a communication dated 16.11.2018, on the ground that the same was time barred.

6. It is seen that similar issue had arisen before the Hon'ble Supreme Court in the case of *Jigyada Yadav v. Central Board of Secondary Education*, reported in (2021) 7 SCC 535 and the Hon'ble Supreme Court had concluded that such corrections were permissible and could be made after verifying the other contemporaneous public documents.

7. In the case on hand, the petitioner has projected that in her pass-port, the name of her biological mother, i.e. "*Hasna Khanam*" is recorded and the said document being a public document enjoys legal presumption of its correctness.

8. Ms. R. Borah, learned standing counsel appearing for the CBSE, fairly submits that the Hon'ble Supreme Court in the case of *Jigyada Yadav (supra)*

had settled the matter as arising in the present proceedings and the said judgment would be applicable to the facts involved herein.

9. In view of the conclusions reached above, the impugned communication dated 16.11.2018, stands interfered with and the instant writ petition is disposed of by directing the CBSE authorities to act on the representation as preferred by the petitioner and pass consequential order thereon strictly in terms of the observations and directions as passed by the Hon'ble Supreme Court in the case of *Jigyada Yadav (supra)*.

10. The consequential order(s) be passed and corrections be effected as prayed for by the petitioner with regard to the name of her mother in the records/certificates of her AISSE, 2008, within a period of 2(two) months from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant