

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 17370 of 2015 (U)

PETITIONER(S):

**HALEEMA NAWRIN, AGED 19 YEARS
D/O.RIYAS BABU PC, VALIYATHOTTATHIL (H), KODUVALLY
VAVAD PO, CALICUT**

**BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN**

RESPONDENT(S):

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HUMAN RESOURCES DEPARTMENT, NEW DELHI 110001**
- 2. CENTRAL BOARD OF SECONDARY EDUCATION
SHIKSHA KENDRA, REPRESENTED BY CHAIPERSON, 2
COMMUNITY CENTRE, PREET VIHAR, DELHI 110092**
- 3. REGIONAL OFFICER
CBSE REGIONAL OFFICE, NEW NO.3, J BLOCK
16 MAIN ROAD, ANNA NAGAR (W), CHENNAI 600040**

**Addl.4. DAYAPURAM RESIDENTIAL SCHOOL
REPRESENTED BY THE PRINCIPAL, P.O NIT CAMPUS
CALICUT - 673 601, KERALA**

(*ADDL.R4 IMPEADED AS PER ORDER DATED 19.06.2015 IN IA 8160/15)

**R1 BY ADV. SRI.RAJAGOPALAN NAIR.K.R., CGC
RADDL.4 BY ADV. SRI.U.K.DEVIDAS
R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R BY SRI.DEVAN RAMACHANDRAN, SC, CBSE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE MARK SHEET ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT**
- EXT.P2: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTH AND DEATH KOZHIKODE CORPORATION**
- EXT.P3: TRUE COPY OF THE GAZETTE NOTIFICATION DATED 30.06.2014 AND PUBLISHED ON 29.07.2014**
- EXT.P4: TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE (SSLC) ISSUED TO THE PETITIONER'S MOTHER DATED 28.02.1992**
- EXT.P5: TRUE COPY OF THE REQUEST/APPLICATION DATED 11.12.2014**
- EXT.P6: TRUE COPY OF THE COMMUNICATION DATED 02.02.2015 ISSUED BY THE ASSISTANT SECRETARY ATTACHED TO THE REGIONAL OFFICE CBSE**
- EXT.P7: TRUE COPY OF THE REPLY FORWARDED THROUGH THE PRINCIPAL IN COMPLIANCE OF EXT P6 DATED 25.02.2015**
- EXT.P8: TRUE COPY OF THE APPLICATION DATED 28.02.2015 SEEKING CORRECTION OF SPELLING IN MOTHER'S NAME FORWARDED TO THE 3RD RESPONDENT**
- EXT.P9: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 21.04.2015**
- EXT.P10: TRUE COPY OF THE OFFICE ORDER ISSUED BY THE CHAIRPERSON DATED 06.02.2015**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.17370 of 2015 - U

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Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner is concerned with the change of name of her father and mother in Ext.P1 certificate. Ext.P1 is the Secondary School Examination Certificate issued by the Central Board of Secondary Education, the 2nd respondent, wherein the petitioner's mothers name is shown as "Jasmin" and father's name is shown as "Muhammed Riyas PC". The change in name was necessitated in view of the records maintained with respect to the father, mother and the daughter, the petitioner herein, showing it differently.

2. As to the mother's name, the S.S.L.C certificate has been produced, which indicates her name to be "Jasmine.V", as is seen from Ext.P4. The birth certificate of the petitioner, which is produced at Ext.P2 indicates the father's name to be "Riyas Babu PC". However, the father's name as entered in the S.S.L.C was Muhammed Riyas PC, which was changed by Ext.P3 notification

published in the Kerala Gazette.

3. In such circumstance, the petitioner's father's name has to be indicated as "Riyas Babu P.C" and mother's name as "Jasmine.V". Despite the fact that the petitioner had complied with all the directions in Ext.P6, the petitioner's application stood rejected on account of Ext.P10. It is to be noticed that Ext.P10 has been issued after Ext.P6 communication was sent to the petitioner to cure the defects. Hence, Ext.P10 would strictly be not applicable to the case of the petitioner.

4. The Chair Person of the C.B.S.E in Ext.P10 has considered the issue relating to change of name or surname of the students/parents or guardian and change in date of birth. As far as change of date of birth is concerned, Section II of the Manual Rules and Regulations for the CBSE would be applicable and there is a restriction insofar as such application being entertained only for one year from the date of issue of the qualifying certificate. Section III of the Manual Rules and

Regulations for the CBSE, regarding change in name or surname has to be before the publication of the result of the candidates.

5. However, it is to be noticed that in the petitioner's case, the mistake occurred only on account of the disparity in the records of the father and the mother, which now stands corrected as per law prescribed. Especially taking note of the fact that Ext.P10 is issued after Ext.P6, it is only proper that the petitioner's application be considered and the change in name of the father and mother be effected, within a period of three months from the date of receipt of a certified copy of this judgment.

The writ petition would stand allowed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB/06 /10/2015

// true copy //

P.A to Judge.