

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 31847 of 2015 (E)

PETITIONER :

**ASHIK NIZAR, AGED 16 YEARS,
S/O. NOZARUDEEN A, RAHATH, VADAKKUMBHAGAM KAZHAKUTTAM
TRIVANDRUM, REPRESENTED BY HIS FATHER NIZARUDEEN A.**

BY ADV. SRI.M.R.SARIN

RESPONDENTS :

- 1. THE CENTRAL BOARD OF SECONDARY EDUCATION,
REPRESENTED BY ITS SECRETARY REGIONAL OFFICE,
CENTRAL BOARD OF SECONDARY EDUCATION 2ND FLOOR BLOCK,
B LIC DIVISIONAL OFFICE CAMPUS PATTOM
THIRUVANANTHAPURAM.**
- 2. THE CONTROLLER OF EXAMINATIONS,
CENTRAL BOARD OF SECONDARY EDUCATION, NEW NO.3
J BLOCK ANNA NAGAR, WEST, CHENNAI - 600 001**
- 3. THE PRINCIPAL
JYOTHIS CENTRAL SCHOOL, KAHAKUTTOM P.O.
TRIVANDRUM - 654 8751.**
- 4. THE TRIVANDRUM CORPORTION
REPRESENTED BY ITS SECRETARY
(REGISTRAR OF BIRTHS AND DEATH),
THIRUVANANTHAPURAM.**

**R1 & R2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE
R4 BY SRI.P.K.MANOJKUMAR,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF CERTIFICATE OF BIRTH ISSUED BY 3RD RESPONDENT.
- P2: TRUE COPY OF THE SECONDARY SCHOOL EXAMINATION CERTIFICATE CUM GRADE SHEET ISSUED TO THE PETITIONER BY THE CONTROLLER OF EXAMINATION.
- P3: TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P4: THE TRUE COPY OF THE COMMUNICATION ISSUED TO THE PRINCIPAL BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 31847 of 2015

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Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner approached this Court challenging decision of CBSE declining request for correction of name of father and mother in the Secondary School Examination Certificate issued by the CBSE.

The application has been rejected vide Ext.P4 stating as follows:

“This is in accordance with the amended rule 69.1(ii) of Examination Bye-laws of the Board; which states that:-

The application for correction in the name of Father duly forwarded by the Head of school alongwith documents mentioned in byelaws 69.1 (ii) shall be entertained by the Board only within one year of the date of declaration of result. No correction whatsoever, shall be made on application submitted after the said period of ONE year.

Your case is being returned herewith in Original as submitted by you.”

2. It is apparent that the application has been rejected in the light of amended bye-law. As per the amended bye-law one year time is provided for correction. It is to be noted that the amendment came into effect only on 25.6.2015 and the petitioner has passed out the examination in the year 2014. In such circumstances, this Court is of the view the rigour of limitation of

amended bye-law would not apply to the petitioner's application.

3. However the school authority has to forward corrected records to the CBSE and other documents related to the petitioner. Accordingly the following directions are issued.

The petitioner shall approach the 3rd respondent. The 3rd respondent shall correct the records on being satisfied with the genuineness of the claim made by the petitioner. Thereafter 3rd respondent shall forward the corrected records to the first respondent. The petitioner shall make available all the related documents before the 1st and 3rd respondent for correction in accordance with the bye-law. Needful shall be done by the 3rd respondent within three weeks from the date of receipt of the copy of this judgment. Thereafter the first respondent shall take appropriate action within further period of three months.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE