

CWP No. 11155 of 2015

Date of decision: 23.07.2015

Abhijeet Singh Suhag

.....Petitioner

versus**CBSE and others**

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Vivek Khatri, Advocate
for the petitioner(s).Mr. Harsh Aggarwal, Advocate
for CBSE.**Rakesh Kumar Jain, J.(Oral)**

The petitioner has prayed for a writ in the nature of mandamus seeking a direction to the respondents for correcting his father's name in the mark sheet of Class IX, X and XI.

It is averred that due to inadvertence, the name of his father has been mentioned as **Rajesh Singh Suhag** which is otherwise **Rajesh Suhag**.

After notice, counsel for respondent Nos. 1 and 2 has put in appearance and filed reply.

It is submitted that respondent Nos. 1 and 2 are only concerned with the certificate of Class X as the correction in the certificate of Class IX and XI is to be made by the school authorities because the said examinations are school based and not conducted by the CBSE. It is also submitted by him that petitioner is yet to appear in Class XII examination to be conducted by the CBSE. Respondent No. 3 has already represented to respondent Nos. 1 and 2, vide their letter dated 21.02.2015, for correction in the name of the father of the petitioner and enclosed the following

documents :

- “1. *Application from Sh. Rajesh Suhag dated 20.02.2015.*
2. *Affidavit*
3. *Form of application for admission No. 12412 in Class-IV.*
4. *Form of application for admission No. 18796 in Class-XI.*
5. *Page of admission and withdrawal register-Admn. No. 12412*
6. *Page of admission and withdrawal register-Admn. No. 18796*
7. *L.No. PSG/CBSE-35/3233 dated 13.09.2012- with List SI No. 00206*
L.No. PSG/CBSE-35/1508 dated 05.10.2013- with List SI No. 00206
8. *L.No.PSG/CB SE-35/3563 dated 04.11.2014-with List SI No.00170*
9. *Grade Sheet-cum- Certificate of Performance of Class X-2014”*

Counsel for the respondents has further submitted that the correction of change in the name can be allowed in terms of Rules 69.1(i) as amended and notified on 25.06.2015 which provides that the “*applications regarding changes in name or surname of candidates may be considered, provided the changes have been admitted by the Court of law and notified in the Government Gazette before the publication of the result of the candidate*”.

However, the perusal of notification dated 25.06.2015 shows that for the change in the name of father, Rule 69.1(ii) would be applicable.

Since the application was filed for effecting the change before 25.06.2015,

therefore, the Rule 69.1(ii) existing before the amendment would apply which prescribes a period of ten years to make such an application from the date of declaration of result.

Thus, the present petition is allowed and direction is issued to respondent Nos. 1 and 2 to correct the name of the father of the petitioner in Class X certificate from Rajesh Singh Suhag to Rajesh Suhag, within 15 days, from the date of receipt of a certified copy of this order.

23rd July, 2015

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**