

CWP No.11342 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.11342 of 2015
Date of decision:10.07.2015**

Sunil Kumar Sharma

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.K.Yadav, Advocate,
for the petitioner.

Mr. Abhinav Gupta, Advocate,
for respondents no.2 and 3.

Rakesh Kumar Jain, J.

The petitioner passed his 10th class from Central Board of Secondary Education (CBSE) on 28.05.2010, in which the name of his father is mentioned as “**DHARAM PAL SHARMA**”. However, when he passed his 10+2 examination from the CBSE on 28.05.2012, the name of his father is mentioned in the certificate as “**DHARMPAL SHARMA**”. Obviously, alphabet `A' is missing in word “DHARM” in the certificate of 10+2 which was there in the certificate of 10th class. The actual name of the father of the petitioner is “**DHARAM PAL SHARMA**”.

The petitioner is selected in the Air Force and has been asked to seek correction in the name of his father in his 10+2 certificate as it does not match with the his 10th class certificate. Accordingly, he applied for the

CWP No.11342 of 2015

[2]

correction in the spelling of the name of his father to his school, namely, Jawahar Navodaya Vidyalaya. The school, vide its letter dated 22.04.2015, addressed to the Regional Director, CBSE, Panchkula, requested to effect the correction and submitted supporting documents, namely, 10th class certificate, 12th class certificate, admission form filled at the time of admission, admission & withdrawal register of the school, school leaving certificate issued by the previous school and the application of the petitioner. It further sent a letter dated 06.05.2015 in which it was averred that the petitioner has studied in their school from 6th class to 12th class and as per the school record, his father's name is **“DHARAM PAL SHARMA”**. It also averred therein that the typing mistake had occurred at the time of filling of “LOC” by the clerk, otherwise he is the same person i.e. Sunil Kumar Sharma S/o Dharam Pal Sharma.

The application of the petitioner was registered as HR-4462 and the respondent no.2 passed an order on the application sent by respondent no.4 on 06.05.2015 as “HR-4462/Rejected”. Hence, the present writ petition.

Counsel for the respondents has submitted that if a student has appeared in the Board exam of 10th class, information is again sought from the school when the student has to appear in the Board examination of 10+2, therefore, there is no connection inter-se of the information supplied at the time of 10th class examination and the examination of 10+2. It is also submitted that by way of notification dated 25.06.2015, Rule 69.1(ii) of the Examination Bye-Laws, relating to correction & change in name and period

for correction in date of birth has been amended. Rule 69.1(ii), un-amended and amended, are reproduced as under:-

Rule No.	Existing Rule	Amended Rule
69.1(ii)	Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/Surname, Father's name/Mother's name or Guardian's name to make it consistent with what is given in the school record or list of candidates (LOC) submitted by the school may be made. Application for correction in name of Candidate/Father's/Mother's/Guardian's name will be considered only within ten years of the date of declaration of result provided the application of the candidate is forwarded by the Head of Institution with the following attested documents: a) True Copy of Admission form(s) filled in by the parents at the time of admission duly attested by the Head of the concerned Institution b) True Copy of the School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.	Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/Surname, Father's name/Mother's name or Guardian's name to make it consistent with what is given in the school record or list of candidates (LOC) submitted by the school may be made. Application for correction in name of Candidate/Father's/Mother's/Guardian's name will be considered only within one year of the date of declaration of result provided the application of the candidate is forwarded by the Head of Institution with the following attested documents: a) True Copy of Admission form(s) filled in by the parents at the time of admission duly attested by the Head of the concerned Institution b) True Copy of the School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.

It is submitted by the respondents that typographical correction

CWP No.11342 of 2015

[4]

in spelling of father's name of a student can be corrected within a period of one year, provided the application is forwarded by the Head of the Institution with the attested documents.

Counsel for the petitioner has submitted that the amended Rule 69.1(ii) has been notified on 25.06.2015 by respondent no.2 and would apply prospectively, whereas his application was rejected on 06.05.2015 when the un-amended Rule 69.1(ii) was in existence, which provides that such an application can be filed within 10 years of the date of declaration of result.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the amended Rule 69.1(ii), notified on 25.06.2015, would not be applicable to the case of the petitioner as it would operate prospectively from the date of notification and the decision in regard to the case of the petitioner was taken by the respondents on 06.05.2015, when the amended Rule 69.1(ii) was not in existence.

Thus, the petitioner is well within his right to seek the correction in the spelling of his father's name in which alphabet 'A' has been omitted to be typed by the clerk of the school at the time of filling of "LOC".

In view of the aforesaid discussion, the present writ petition is hereby allowed and the respondents no.2 and 3 are directed to issue fresh certificate of 10+2 to the petitioner by correctly mentioning his father's name as **"DHARAM PAL SHARMA"**. The certificate be issued to the

CWP No.11342 of 2015

[5]

petitioner forthwith as it is required by him for tendering before the Air Force authorities, otherwise the petitioner may loose his job to which he has already been selected.

July 10, 2015
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(Rakesh Kumar Jain)
Judge