
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.18442 of 2015

Date of decision: 14.12.2015

Heena Pura

...Petitioner

Versus

Central Board of Secondary Education and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Aman Bansal, Advocate for the petitioner.

Mr. N.K.Setia, Advocate for respondent No.1

None for respondent no.2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks setting aside of the order dated 21.7.2015 (Annexure P/4) whereby her application dated 7.7.2006 (Annexure P/3) for correction in the mother's name from 'Renu' to 'Anju' was rejected. The various grounds of rejection are that record of the school did not match, record of the school was changed, there was difference in the record presented by the school and request of correction was not submitted within one year after declaration of result and therefore it is not permissible to change the name.

The grouse of the petitioner is that in +2 certificate issued on 23.5.2005(Annexure P/2), her mother's name has been mentioned as 'Renu'. The school on 23.1.2009 (Annexure P/3-Colly) had also written to the Board for correction on the ground that name of the first mother had been wrongly incorporated instead of the name of her biological mother.

A perusal of the admission form submitted in the respondent no.2 school would also go on to show that name of the mother was shown as 'Anju Bala' (divorced) when admission was taken on 23.4.2003 in class

XI. The petitioner on 7.7.2006 also wrote that name of Renu had been wrongly written while filling the form in 2004-05 and had requested for correction after just one year of the issuance of the +2 certificate.

A perusal of the birth certificate dated 24.12.1991 (Annexure P/6) wherein name of the mother is shown as 'Anju' would go on to show that the same was registered on 26.12.1986 within a week from the date of birth i.e. 19.12.1986. In the said certificate Vinod Kumar is shown as father's name and mother's name is shown as Anju. There is no dispute regarding the presumptive and evidentiary value of such certificate which has been issued by the Registrar, Birth and Death as has been held by the Apex Court in **Narinder Kaur Vs. Punjab and Haryana High Court and others 2011 (2) RSJ 500.**

The petitioner has thus been seeking the change which is now being denied on the ground that under the then Rule 69.1 certain formalities have to be done including publication in the newspapers and affidavit had to be sworn and the school had to furnish various documents. It is the case of the Board that no compliance was made and the case was rejected on 21.7.2015. However, from the record, it transpires that there is nothing to show that any such communication was sent to the petitioner for compliance of the necessary conditions or that the petitioner was put to notice regarding the defects in her application and what was the requirement as per the Statute.

In such circumstances, this Court is of the opinion that the matter is liable to be reconsidered by the Board and the impugned communication dated 21.7.2015 (Annexure P/4) is accordingly quashed.

Accordingly the present writ petition is disposed of with the following conditions:-

- 1) The respondent-Board will intimate to the petitioner the requirements as per existing rules within four weeks from the receipt of a certified copy of this order.
- 2) The petitioner shall comply with the said requirements within four weeks and shall furnish the required information, if any, on receipt from the respondent-Board.
- 3) The respondent-Board shall call for the necessary information from respondent no.2-School.
- 4) On receiving the required information from the petitioner as well as respondent no.2-school, the respondent-Board will reconsider the whole issue afresh and pass a speaking order keeping in mind the observations given above.
- 5) Needless to say that issue of limitation will not be raised at this stage since admittedly the petitioner has been agitating for her grouse since the year 2006 whereas the certificate was issued on 23.5.2005.

December 14, 2015
Pka

(G.S.SANDHAWALIA)
Judge