

CWP No.8973 of 2015

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

**CWP No.8973 of 2015
Date of decision:10.08.2015**

Rishabh Jhamb (minor) ...Petitioner

Versus

Central Board of Secondary Education and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.S.Toor, Advocate,
for the petitioner.

Mr. Harsh Aggarwal, Advocate,
for respondents no.1 and 2.

Mr. Neeraj Sharma, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

The petitioner was a student of Class X in the Ryan International School, Sector 49-B, Chandigarh (hereinafter referred to as the “school”). His examination form was sent by the school to the Central Board of Secondary Education (hereinafter referred to as the “CBSE”) for Class X examination in the session 2014. The petitioner qualified the said exam and his Detailed Marks Card (DMC) was issued by the CBSE to him on 20.05.2014 in which his father's name has been mentioned as “Rajesh Jhamb” and mother's name as “Anupam Jhamb”. The parents of the petitioner made an application to the school for correction in the school record. The school, vide its letter dated 30.12.2014, requested the CBSE for

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change in the name of parents of the petitioner in the DMC of Class X and sent the application filed by the parents of the petitioner, Adhar Card, copy of admission form, copy of ration card, copy of DMC and copy of date of birth certificate etc., but respondent no.2, vide its letter dated 24.02.2015, declined the request made for correction on the ground that the record of the school does not tally with the correction sought by the petitioner.

Counsel for the petitioner has submitted that the petitioner is seeking correction at the initial stage in the certificate/DMC of his Class X, which can always be corrected by the CBSE as the school authorities have sent an application to the CBSE along with the relevant documents.

Counsel for the respondents, however, has submitted that the change in the name has to be notified in the Government Gazette before publication of the result as per Rules of the Board and name of the parents of the petitioner has been recorded rightly in the certificate/DMC of Class X as per the school records.

I have heard learned counsel for the parties and examined the available record.

Respondent no.2 has made Examination Bye-Laws to meet such kind of exigencies where name of the father, mother and guardian of such a student, wrongly mentioned, can be corrected. The relevant rule 69.1(ii) is reproduced as under:-

“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

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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.”

The petitioner is at the threshold of his career as a student and is seeking correction in his Class X certificate/DMC, which shall be throughout considered for the purpose of spelling of his name, date of birth

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and spelling of the name of his parents in all further official records. Once the petitioner's school has sent request to respondent no.2 on 30.12.2014 along with all the relevant documents, the said application should not have been dismissed by respondent no.2 only on the ground that the information supplied now by the school does not tally with the information supplied earlier when the examination form was sent.

As a matter of fact, the petitioner is seeking correction in the name of his parents and has produced various other documentary evidence along with his application, which has been further forwarded by the school to the respondent no.2.

Thus, in view of the aforesaid facts and circumstances, the present writ petition is hereby allowed, impugned order Annexure P-3 passed by the CBSE is set aside and the respondents are directed to make necessary correction(s) in the certificate/DMC of Class X of the petitioner in regard to names of his parents, within a period of one month from the date of receipt of certified copy of this order.

August 10, 2015
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(Rakesh Kumar Jain)
Judge