

\$~36

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11440/2015**

HEMANT SINGH GUSAIN

..... Petitioner

Through: Mr. Sitab Ali Chaudhary, Advocate

versus

CENTRAL BOARD OF SECONDARY EDUCATION

AND ANR

..... Respondents

Through: Mr. Atul Kumar, Adv. for R-1

Mr. Mohinder J.S. Rupal, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

11.12.2015

CM No.30159/2015 (stay)

1. The learned counsel for the petitioner says that he does not wish to press the captioned application.

2. The captioned application is dismissed as not pressed.

W.P.(C) 11440/2015

3. Issue notice to the respondents.

4. Mr. Kumar accepts notice on behalf of respondent no.1 while Mr. Rupal accepts notice on behalf of respondent no.2.

5. In view of the order that I propose to pass, the learned counsel for respondent no.1 and 2 says that they do not wish to file a counter affidavit.

6. The grievance of the petitioner is that his surname, which was

correctly set out in class X certificate, contains an error, in so far as the class XII certificate is concerned. The petitioner avers that he spells his surname as Gusain; which is how, it appears in the class X certificate. However, in the class XII certificate, the petitioner's surname has been set out as : Guisain.

6.1 According to the learned counsel for the petitioner, this is an error which requires correction.

6.2 Evidently, the petitioner had written to respondent no.1/ CBSE in respect of his grievance with regard to his surname being incorrectly set out in the Class XII certificate. This letter was received by respondent no.1/CBSE, it appears, on 12.06.2013.

6.3 The petitioner is aggrieved by the fact that there has been no further movement in the matter.

7. Mr. Kumar, who appears, on advance notice, on behalf of respondent no.1/CBSE, says that the petition does not contain the necessary attendant documents required as a prerequisite for carrying out the correction.

7.1 It is, however, conceded by Mr Kumar that the petitioner's case will be governed by the un-amended byelaws i.e. the bye laws which were notified in June 2011.

7.2 According to Mr. Kumar, the following documents, as referred to in the June, 2011 notification, are required, for entertaining an application for correction in name:-

“.....(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.....”

8. In the aforesaid circumstances, the writ petition is disposed of with a direction to respondent no.1/CBSE to pass an appropriate order on the request articulated in the said petition. The petitioner will submit the documents adverted to above, to the extent applicable, within one week from today. On receipt of the documents, respondent no.1/CBSE shall pass an appropriate order, though not later than two weeks from that date. The petitioner will be served with the copy of the order passed by respondent no.1/ CBSE.

9. The writ petition is accordingly, disposed of.

10. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

DECEMBER 11, 2015

yg