

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18953 of 2016

Mr.Abhijeet Chougule

... Petitioner

Vs.

- 1 Central Board of Secondary Education
through its Regional Officer
New No.3J Block, 16th main Road,
Anna Nagar West,
Chennai-600 040.
 - 2 Union of India
rep by its Secretary
Ministry of Human Resources Development,
New Delhi.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling the records from the 1st respondent relating to his proceedings CBSE/RO(M)/CORRN/REJN/ 3803/2015 dated 23.02.2016 and quash the same and consequentially further directing the 1st respondent to rectify the name of the petitioner's father in the Grade Sheet cum Certificate of performance issued to the petitioner on completion of X standard in Kendriya Vidyalaya No.1, Dehu Road, Pune and to issue a fresh certificate to the petitioner prior to 26.06.2016 so as to enable the petitioner to produce the same as per the call letter dated 11.05.2016 issued by the Central Airmen Selection Board, Delhi.

(Prayer amended as per order dated 14.06.2016 by MSNJ in WMP No.17274/2016 in W.P.No.18953/2016)

For Petitioner : Mr.V.Venkkatasamy

For Respondents: Mr.G.Nagarajan for R1
Mr.V.T.Balaji for R2

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that after finishing schooling, he got admission for B.Com degree course in Indira College of Commerce and Science, Tathawada in Pune, State of Maharashtra and while studying 2nd year B.Com degree course, applied for the post of Airmen in Indian Air Force and successfully passed the physical test, written examination and personal interview. The petitioner was called for certificate verification by an Officer attached to the Airmen Selection Centre and accordingly, he produced his testimonials on 25.10.2015 and at the time of verification, the verifying Officer had found a spelling mistake in the name of the petitioner's father in the Grade Sheet cum Certificate of Performance issued by the first respondent.

3.According to the petitioner his father's name is Ananda Chougule and however, it has been spelt as Ananda Chuogule. The petitioner was directed to give an undertaking for certification support for validation(CSV) for his father's name mismatch in the 10th Grade Sheet cum Certificate of Performance. The petitioner was asked to appear for medical examination on 13.01.2016 and he has also successfully cleared the test. The petitioner has also approached the school in which he has studied and got the spelling mistake rectified and also forwarded an application dated 02.12.2015 to the first respondent, with regard to the rectification of the spelling mistake found in the Grade Sheet cum Certificate of Performance issued by the first respondent. The father of the petitioner also submitted an application dated 19.01.2016 to the first respondent evidencing the rectification of the said mistake. However, to the shock and surprise of the petitioner, the Principal of the Kendriya Vidyalaya No.1 at Dehu Road, Pune, had received a communication dated 13.04.2016 from the first respondent, in and by which, the first respondent rejected the correction of spelling mistake in the petitioner's father's name on the ground that application was filed after expiry of the time stipulated in clause 69.1(ii) of the Examination Bye-laws of Central Board of Secondary Education.

4.The grievance expressed by the petitioner is that despite he has successfully cleared the selection process, due to hyper technical reasons, his candidature is likely to be rejected for the reason he has to join the force within a stipulated time frame and therefore, came forward to file this writ petition.

5.Mr.V.Venkkatasamy, learned counsel appearing for the

petitioner would submit that since the required formalities had been complied with, there is no doubt as to the correct name of the petitioner's father and it is not open to the first respondent to indicate to the school in which the petitioner studied with regard to the correction of spelling mistake based on hyper technical reasons and prays for appropriate orders.

6.Per contra, Mr.G.Nagarajan, learned counsel appearing for the first respondent would submit that in the light of clause 69.1(ii) of the Examination Bye-laws of Central Board of Secondary Education, the first respondent has rightly rejected the said application.

7.This Court has carefully considered the rival submissions.

8.It is relevant to extract clause 69.1(ii) of the Examination Bye-laws of Central Board of Secondary Education, which is as follows:

"69(1)(ii) Correction in the name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/ Sur name, 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 Candidates/Father's/ Mother's/ Guardian's name will be considered only within one year of the date of declaration of result provided the applicants 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 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 candidate, duly attested by the Head of the concerned institution."

9.No doubt, as per clause 69.1(ii) of the Examination Bye-laws of Central Board of Secondary Education, the correction in the name of Candidates/Father's/Mother's/ Guardian's name have to be considered only within one year of the date of declaration of result. However, this Court after perusal of the materials

placed before it is of the view that, the spelling mistake in the father's name of the petitioner, appear to be inadvertent one and neither the petitioner nor his father is to be faulted. It is very pertinent to point out at this juncture that the petitioner in the course of his under graduation, had applied for the post of Airmen in Indian Air Force and has successfully cleared all the tests and on the verge of issuance of call letter dated 11.05.2016, for his enrolment in the Indian Air Force, has faced this problem.

10.It is also to be seen at this juncture, that the petitioner is aged about 19 years is joining the Indian Air Force which is playing a vital role in guarding the sovereignty of this nation and on account of the above said hyper technicalities, he should not be denied the said opportunity to serve the nation.

11.In the result, the writ petition is allowed and the impugned proceedings of the first respondent dated 23.02.2016 is quashed. The first respondent is directed to rectify the name of the petitioner's father in the Grade Sheet cum Certificate of Performance issued to the petitioner "on completion of X standard in Kendriya Vidyalaya No.1, Dehu Road, Pune," forthwith and to issue a fresh certificate to the petitioner on or before 22.06.2016, after production of the original Grade Sheet cum Certificate of Performance issued to the petitioner on "completion of X standard in Kendriya Vidyalaya No.1, Dehu Road, Pune." No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal,
Kendriya Vidyalaya,
No.1, Dehu Road, Pune,
State of Maharashtra.
- 2 The Regional Officer
Central Board of Secondary Education
New No.3J Block, 16th main Road,
Anna Nagar West, Chennai-600 040.

3 The Secretary, Union of India
Ministry of Human Resources Development,
New Delhi.

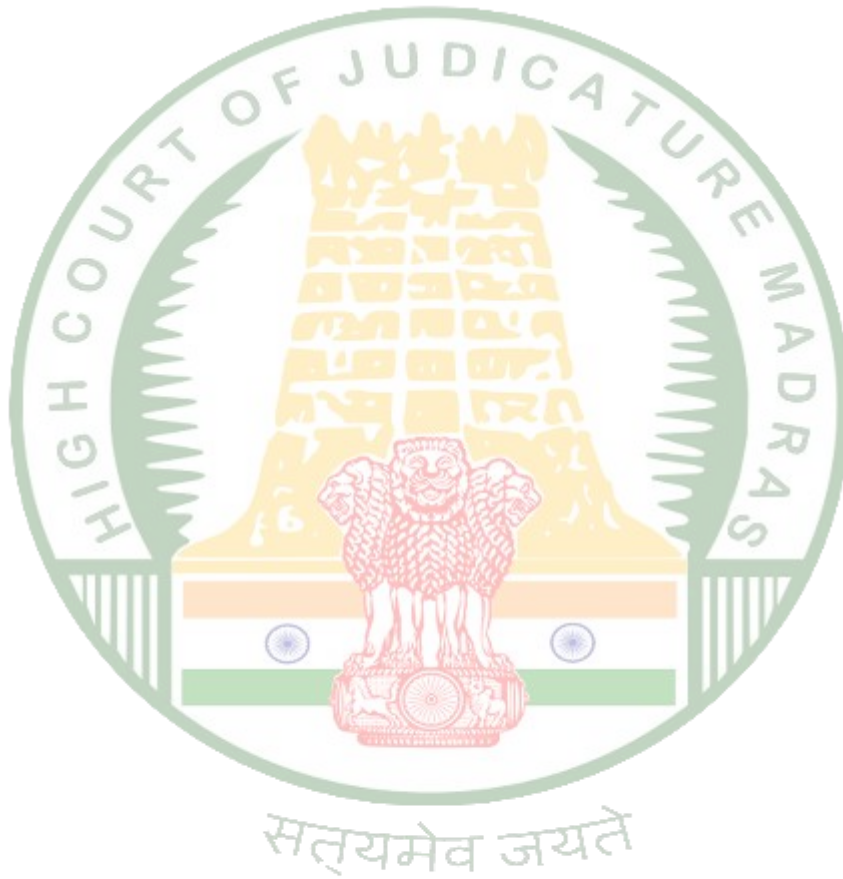
1 cc to Mr.V.Venkatesan, Advocate, sr.33048

1 cc to Mr.G.Nagarajan, Advocate, sr.33249

W.P.No.18953 of 2016

sks co

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