

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9933 of 2016

Minor Natuva Sri Krishna Sai,
rep. by his father and natural
guardian N.Srivatsa Petitioner
vs.

- 1.The Controller of Examinations,
Central Board of Secondary
Education (CBSE),
Shiksha Kendra 2, Community Centre,
Preet Vihar, Delhi-110 092.
- 2.The Regional Officer,
Central Board of Secondary
Education (CBSE),
Regional Office, New No.3,
Old No.1630-A, Anna Nagar (West),
Chennai-40.
- 3.The Principal,
St. Joseph's English School,
41/143 & 144, N.R.Peta,
Kurnool - 518 004. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records of the second respondent herein by his proceedings dated 2.2.2016 and made in No.CBSE/RO(M)/CORRN/ REJN/6689/ 2015 rejecting the petitioner's request to correct the spelling mistake of the petitioner's mother name as N.Sree Devi instead of N.Sri Devi as mentioned in the X Standard certificate issued by the first respondent dated 19.5.2014 vide Roll No.4250035 and quash the same as illegal and without jurisdiction and further direct the respondents 1 and 2 herein to correct the spelling mistake of the petitioner's mother name as N.Sree Devi instead of N.Sri Devi mentioned in the X Standard certificate issued by the first respondent dated 19.5.2014.

For Petitioner : Mr.G.Anandakumar
For Respondents : Mr.G.Nagarajan,
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition, challenging the proceedings of the second respondent dated 2.2.2016, rejecting his request to correct the spelling mistake of his mother's name as N.Sree Devi instead of N.Sri Devi as mentioned in the X Standard certificate issued by the first respondent dated 19.5.2014 vide Roll No.425003 and further direct the respondents 1 and 2 herein to correct the spelling mistake of his mother's name as N.Sree Devi instead of N.Sri Devi mentioned in the X Standard certificate issued by the first respondent dated 19.5.2014.

2. It is the case of the petitioner that he had completed his X standard at the third respondent school in March, 2014. At the time of admission in the third respondent school, the petitioner's mother's name has been wrongly mentioned as N.Sri Devi instead of N.Sree Devi. The said mistake was noticed by the petitioner when he perused the mark certificate issued by the first respondent. All the records such as Passport, Adhaar Card and the Secondary School Certificate, contain the correct spelling viz., N.Sree Devi. But, unfortunately, in the X Standard Mark certificate of the petitioner issued on 19.5.2014 issued by the first respondent, her name has been mentioned as N.Sri Devi. In this regard, the petitioner made a representation to the third respondent requesting him to effect the spelling correction in the Mark certificate issued. The said representation was forwarded by the third respondent to the second respondent. However, the second respondent by proceedings dated 2.2.2016 rejected the request of the petitioner for making the spelling correction on the ground that as per 69.1(ii) of Amended Byelaw dated 25.6.2015, his request was not made within one year. Hence, challenging the same, the petitioner has come up with the present writ petition.

3. Counter affidavit was filed on behalf of the respondents 1 and 2, wherein it has been stated that the application for correction of name of candidate / father's / mother's / guardian's name will be considered only within one year from the date of declaration of result as per CBSE Examination Byelaw 69.1(ii). Since the application for correction of spelling was made by the petitioner after a period of one year, the same was rejected. Thus, they sought for the dismissal of the writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents 1 and 2.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court is of the opinion that by changing the last letters of the petitioner's mother's name from 'i' to "ee", her name is not going to be changed totally. Hence, this Court is inclined to set aside the impugned order passed by the second respondent.

6. Accordingly, the impugned proceedings of the second respondent dated 2.2.2016 made in No.CBSE/RO(M)/CORRN/REJN/6689/2015 are set aside and the writ petition is allowed. The second respondent is directed to change the name of the petitioner's mother as "N.SREE DEVI" instead of "N.Sri Devi" in the X Standard certificate issued by the first respondent dated 19.5.2014, within three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Controller of Examinations,
Central Board of Secondary
Education (CBSE),
Shiksha Kendra 2, Community Centre,
Preet Vihar, Delhi-110 092.

2.The Regional Officer,
Central Board of Secondary
Education (CBSE),
Regional Office, New No.3,
Old No.1630-A, Anna Nagar (West),
Chennai-40.

+1cc to Mr.G.Nagarajan, Advocate, S.R.No.23342
+1cc to Mr.G.Anandakumar, Advocate, S.R.No.23341

W.P.No.9933 of 2016

skv(CO)
srg(26/04/2016)