

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2657 of 2016
Decided on :16.08.2016

Jasbir Singh	...	Petitioner
Versus		
Union of India & others	...	Respondents

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

Present : Mr.Dheeraj Mahajan, Advocate, for the petitioner.

Mr.N.K.Setia, Advocate, for respondents No.2 & 3.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks quashing of the order dated 01.09.2015 (Annexure P10) whereby respondent No.3-Board has refused to rectify the clerical error of the father's name from 'Bikramjit' to 'Bikramjit Singh' in the Senior Secondary School Certificate of the petitioner. The reasoning given by the Board, in the impugned communication (Annexure P10) is that the school record does not recognize the desired correction and the representation for correction had not been initiated within a period of one year of declaration of the result.

From a perusal of the record it transpires that the petitioner was initially a student of the ICSE Board, having done his schooling from Guru Teg Bahadur International School, Gurdaspur (Annexure P7). In the said certificate, the father's name was mentioned as 'Shri Bikramjit Singh' which had been got duly rectified. The petitioner, thereafter, got admission in respondent No.4-school wherein his father's name is mentioned as

'S.Bikramjit Singh' (Annexure P5). Similar is the position in the Admission & Withdrawal Register of the school for the year 2012-13 (Annexure P6). On account of the certificate being issued by the respondent-Board on 28.05.2014 (Annexure P8) wherein his father's name did not depict the word 'Singh', the petitioner got rectification done in the birth certificate issued by the Registrar, Births & Deaths on 03.07.2014 (Annexure P1). Resultantly, request was made to the concerned school on 06.05.2015 (Annexure P2) for correcting the father's name in the +2 certificate. Thereafter also, an application was made to the respondent-Board on 24.07.2015 (Annexure P3) wherein it had been specifically mentioned that correction had been done in the 10th certificate also. The school had corresponded on 27.11.2015 (Annexure P4) regarding the request of the petitioner and brought to the notice of the Board that it had not received any response regarding that application. In the meantime, the impugned communication was sent on 01.09.2015 (Annexure P10) whereby the request of the petitioner had been rejected on the ground that the necessary prerequisites had not been fulfilled and the desired change cannot be carried out.

The maintainability before this Court has been questioned and that the jurisdiction of Civil Court should be preferred. Reliance has also been placed upon the judgment of the Division Bench in **Ambika Kaul Vs. Central Board of Secondary Education & others 2015 (3) S.C.T. 350.** Resultantly, it is submitted that in view of the bye-law 69.1, no change/correction can be made except correction for typographical errors.

Specific averments have been made in para No.6 of the writ petition regarding the record with the school, which has not been controverted by the Board, which has filed a short reply and not a detailed reply. Specific averment has been made that the true copy of the admission form and the withdrawal register shows the correct name of the petitioner's father. In such circumstances, the reasoning given by the Board that the documents of the school do not support the petitioner's case, is without any basis and cannot be held to be justified, in any manner.

On the second issue that the request is made beyond a period of one year, also cannot stand judicial scrutiny in any manner. It is not disputed that the certificate was issued on 28.05.2014 (Annexure P8) and the first request made to the school was on 06.05.2015 (Annexure P2). It is also a matter of record that the regulations provide that resort has to be taken for correction by the process of approaching the school first. Thus, the petitioner's representation dated 06.05.2015, approaching the school is within the period of one year and even the reasoning given that the same was beyond the prescribed period, cannot be held to be justified, in any manner. The petitioner had started to agitate for his rights immediately after passing out of the +2. The necessary correction had also been got made in the certificate issued by the Registrar, Births & Deaths, Punjab (Annexure P1) whereby the complete name of the petitioner's father has been added on 03.07.2014. The word 'Singh' was missing in the initial birth certificate, which was registered firstly on 01.10.1996, within a period of 2 weeks from the date of birth, i.e., on 08.09.1996. It is not

disputed that the said certificate carries a very high evidentiary value. Merely because the complete name was not there, at the initial point of time, would not divest the petitioner of his right to get the same corrected.

Resultantly, the present writ petition is allowed and the impugned order dated 01.09.2015 (Annexure P10) passed by the Board, is not sustainable and the same is, accordingly, quashed. A direction is issued to the Board for making the necessary correction, within a period of 4 weeks from the receipt of the certified copy of this order.

AUGUST 16th, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No