

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

Civil Writ Petition No.4112 of 2016

Date of decision: 28.7.2016

Gurshinder Singh

...Petitioner

Versus

Central Board of School Education and others

...Respondents

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

Present: Mr. Kulbir Singh Sekhon, Advocate for the petitioner.

Mr. N.K.Setia, Advocate for the respondents no.1 and 2.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed challenging the order dated 14.9.2015 (Annexure P/3) passed by respondent no.2 whereby application dated 20.5.2015 (Annexure P/2) for carrying out the correction of the mother's name from 'Sukhwinder Kaur' to 'Sukhjinder Kaur' in the Detailed Marks Card of class 10th dated 20.5.2014 (Annexure P/1) of the petitioner was declined.

The reason for rejection by the respondent-Board was that representation for correction has not been initiated within the period of one year of the declaration of the result.

Counsel for the petitioner has placed reliance upon the judgment of this Court in **Civil Writ Petition No.11155 of 2015-Abhijeet Singh Suhag Vs. CBSE and others** decided on 23.7.2015 (Annexure P/6) to submit that the application for correction was filed on 20.5.2015 (Annexure P/2) and at that point of time, unamended rules provided that there was 10 years' period to make an application for correction.

Admittedly, Detailed Marks Card is dated 20.5.2014 (Annexure P/1) and therefore at that point of time the petitioner's case would have been considered under the unamended rules. In **Abhijeet Singh Suhag's case** (supra), the said principles had been laid down which would directly cover the case of the petitioner. In such circumstances, rejection which had been done on the ground that correction could have only been initiated within one year of the declaration of the result is not tenable. The relevant part reads as under:-

However, the perusal of notification dated 25.6.2015 shows that for the change in the name of father, Rule 69.1 (ii) would be applicable. Since the application was filed for effecting the change before 25.6.2015, therefore, the Rule 69.1(ii) existing before the amendment would apply which prescribes a period of ten years to make such an application from the date of declaration of result.

Thus, the present petition is allowed and direction is issued to respondent nos.1 and 2 to correct the name of the father of the petitioner in class X certificate from Rajesh Singh Suhag to Rajesh Suhag, within 15 days from the date of receipt of a certified copy of this order.”

Counsel for the respondent-Board submits that complete documents have not been supplied.

However, the said fact is not a ground for the rejection which was only on the issue of maintainability. Accordingly, the said order cannot be held to be justified and the same is quashed. The respondent-Board is directed to consider the application for correction of mother's name of the petitioner from 'Sukhwinder Kaur' to 'Sukhjinder Kaur'. It is open to the respondent-Board to ask for the necessary documents. The said exercise be completed within a period of six weeks from the date of receipt of certified copy of this order.

Accordingly, the present writ petition is disposed of.

July 28, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No