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

+ **W.P.(C) 11332/2015 & CM Appl. 29770/2015**

AADARSH PANDEY

..... Petitioner

Through: Mr. M. Mukul with Mr. Tarun Kumar
Pandey, Advs.

versus

**CENTRAL BOARD OF SECONDARY EDUCATION DELHI AND
ANR**

..... Respondents

Through: Mr. Atul Kumar, Adv. for CBSE

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Date of Decision : 24th May, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J (Oral)

1. The present writ petition has been filed seeking setting aside the letter dated 22nd July, 2015 issued by respondent No. 1/CBSE refusing to correct the spelling mistake in the name of father of the petitioner as well as the typographical error in the surname of mother of the petitioner in the certificate/documents of Class XII issued to the petitioner.

2. Learned counsel for the petitioner states that the petitioner's father name has been wrongly mentioned as 'Radhey Shyam Pandey' instead of 'Radheshyam Pandey'. He also states that the petitioner's mother name has been mentioned as 'Rajni Devi' instead of 'Rajni

Pandey'. He further states that the mistake and typographical error have been committed by respondent No. 2-school and the petitioner cannot be penalized for the same.

3. On the other hand, Mr. Atul Kumar, learned counsel for respondent No.1-CBSE states that in accordance with the amended bye-law 69.1(ii) of the examination bye-laws, an application for corrections in the certificates and in the records of respondent No. 1, can be made only within a period of one year from the date of declaration of result. He further states that in the present case, the petitioner's Class XII result was declared on 03rd August, 2013, whereas the application for correction was filed through the school on 02nd July, 2015 i.e. after the period of limitation prescribed in bye-law 69.1(ii) had expired.

4. Having heard the learned counsel for the parties, this Court finds that the petitioner is not responsible for the mistake and typographical error in the name of his parents. Both the mistake as well as the typographical error are attributable to respondent No. 2-school. The same has been admitted by respondent No. 2- school in its forwarding letter dated 02nd July, 2015 addressed to respondent No. 1-CBSE.

5. For mistake of a third party like the school, the petitioner cannot be made to suffer. Consequently, this Court is of the view that in such cases, the limitation prescribed in amended bye-law 69.1(ii) of the examination bye-laws shall not be applicable.

6. Accordingly, the present writ petition is allowed and the respondent No. 1-CBSE is directed to correct the petitioner's father

name from 'Radhey Shyam Pandey' to 'Radheshyam Pandey' and the petitioner's mother name from 'Rajni Devi' to 'Rajni Pandey' in the original certificate/documents, within a period of four weeks of surrender of the original certificate/documents to respondent No. 1-CBSE.

7. With the aforesaid observations and direction, the present writ petition and pending application stand disposed of.

MAY 24, 2016
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MANMOHAN, J