

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1946 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 10566 of 2008**

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Atif Habib, Son of Late Md. Habibur Rahman, resident of village Doria Sonapur,
P.S. Forbisganj (Simraha), District- Araria

.... Appellant/s

Versus

1. The Regional Director, Central Board of Secondary Education (C. B. S. E.)
Regional Office- 35 B. M.G. Marg, Civil Line Allahabad 211001 (U.P.) through
Public Relation Officer, Patna, Bihar
2. The Secretary, Regional Office of Central Board of Secondary Education (C. B.
S. E.) 35 B. M.G. Marg, Civil Lines Allahabad 211001 (U.P.) through Public
Relation Officer, Patna, Bihar
3. The Principal Mithila Public School, R.B. Nagar, resident of village and Post
Office Bhadvashwar Forbisganj District Araria, through Public Relation
Officer, Patna, Bihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Manish Kumar, Advocate.
Md. Ziaul Quamar, Advocate.

For the CBSE : Mr. Vinay Krishna Tripathy, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 10-02-2017

Re.: I.A. No. 8649 of 2015

This application is for condonation of delay of 32 days
in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters Patent
Appeal.



Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 1946 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 14.07.2015 whereby, the request of the appellant for correction of name of his mother from Sabana Khatoon to Safwana Begum in the original certificate of All India Secondary School Examination 2002 issued by the Central Board of Secondary Education was declined.

2. Learned Single Bench dismissed the writ application, inter alia, on the ground that the appellant is looking for some gain in which original name of the mother is coming in the way.

3. We find that Sabana and Safwana are phonetically similar. Therefore, there can be a mistake committed by the candidate himself while filling up his application form which led to grant of certificate of All India Secondary School Examination 2002.

4. We do not find that the appellant is playing any game to gain something. It appears to be *bona fide* and an inadvertent mistake, as the candidate and his family members may have spelt the name of the mother of the appellant in different way being phonetically similar. It would not be a reason to decline the



correction in the certificate. Therefore, we deem it appropriate to direct the respondents to carry out the change of mother’s name of the appellant.

5. However, before any change is affected, a public notice should be published in the newspaper and if there is no objection, C.B.S.E. shall carry out the necessary correction in the certificate.

6. The present Letters Patent Appeal is thus allowed in the above terms.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.02.2017
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