

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1629 of 2016

- Arun Kumar Nishad S/o Shri Ghanshyam Nishad, Aged About 24 Years, R/o Deendayal Upadhyay Ward, Near Shanti Nagar Saint Merry School, Bhatapara, District Baloudabazar, Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Secretariat, Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District Raipur, (Chhattisgarh)
2. Chhattisgarh Board Of Secondary Education, Pensionbada, Raipur, (Chhattisgarh), Through Secretary.

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For State	:	Shri Ashutosh Pandey, P.L.
For Respondent No.2	:	Shri Anurag Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2017

1. Heard.
2. A short question arises for consideration raised by the petitioner, who is student and passed Higher Secondary School Certificate Examination in the year 2011. The petitioner has filed this petition aggrieved by the communication on the part of the respondent No. 2, who has declined his application for correction of the name of his mother in the High School and Higher Secondary School Certificate by the Secretary, Education. It is submitted that the petitioner, at the time of submitting examination form for appearing in High School and Higher Secondary School Board Examination, had stated his mother's name as Dhaneshwari Bai, but in both the certificates of High School and Higher Secondary, issued in the year 2009 and 2011 respectively, the name of the mother is wrongly recorded as Phool Bai. When no decision was taken on the petitioner's application, petitioner filed instant petition.

3. Learned counsel for the respondent No. 2 submits that the name of the petitioner's mother was recorded as Phool Bai in the certificates of mark-sheet of 5th and 8th class. On this basis, relevant entries were made in the school records and forwarded to Board of Secondary Education. He further submits that the application has been made after a long time and at this stage no such correction is permissible.
4. Petitioner has placed on record the order dated 08/06/2012 of the respondent No.2 which shows that the decision has been taken to reject the prayer for correction of the name of parents/sub name/spelling on the ground that application is highly belated and therefore no correction is permissible.
5. It appears that in 5th and 8th mark-sheet, name of the petitioner's mother was recorded as Phool Bai. Presumably on this basis, High School and Higher Secondary School Certificate issued in the name of the petitioner bear the name of Phool Bai as the mother of petitioner. However, now the petitioner claims that the correct name of his mother is Dhaneshwari Bai and not Phool Bai.
6. It appears that in 5th and 8th mark-sheets, name of the petitioner's mother was recorded as Phool Bai. Presumably on this basis, High School and Higher Secondary School Certificate issued in the name of the petitioner bear the name of Phool Bai as the mother of petitioner. However, now the petitioner asserts that the correct name of his mother is Dhaneshwari Bai. Let the petitioner submit before the Board the proof of this fact from any other authenticated documents and the Board may make its own enquiry, take into consideration the documents submitted by the petitioner in proof of his contention that the name of petitioner's mother as Dhaneshwari Bai and upon its own satisfaction, the Board shall pass appropriate order in the matter. If the petitioner is not satisfied with the order of the Board, petitioner will have remedy to file a suit seeking appropriate declaration. The petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge