

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11795 OF 2017

Ritesh s/o Dnyanoba Kale,
age: 17 years, Occ: Student,
through its legal guardian,
Dnyanoba s/o Sambhaji Kale,
age: 51 years, Occ: service,
R/o Gopalkrishna Nagar,
Wadi (Bk), Nanded, Tq. And
District Nanded.

Petitioner

Versus

- 01 Central Board of Secondary
Education,
New No.3 (Old No.1630-A),
J-Block, 16th Main Road,
Anna Nagar (West),
Chennai-600 040, through
its Joint Secretary and
Regional Officer.
- 02 Nagarjuna Public School,
Shyam Nagar, Nanded,
through its Principal.
- 03 The Education Officer,
(Secondary), Zilla Parishad,
Nanded, Through its
Principal.
- 04 Bhimashankar Mahavidyalay,
through its Principal,
At Post Shiradhon, Tq. Loha,
District Nanded.
- 05 Maharashtra State Board of
Secondary & Higher Secondary
Education, Latur Division,
through its Divisional Chairman,
Sahakar Shakti Building,
Shyam Nagar, Ambejogai Road,

Latur, Tq. & District Latur.

Respondents

Mr.Vikram S. Kadam, advocate for the petitioner.

Mr.Bhushan B. Kulkarni, Standing Counsel for Respondent No.1.

Mr.S.P.Sonpawale, A.G.P. For Respondent No.3.

CORAM : R.M.BORDE AND

SMT. VIBHA KANKANWADI, JJ.

DATE : 28th September, 2017.

ORAL JUDGMENT (Per R.M.Borde, J.) :

1 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is aggrieved by rejection of his request by the Central Board of Secondary Education to effect correction in the name of his father in the school record such as Marks Memo and Migration Certificate.

3 The petitioner contends that results of 10th standard examination conducted by the Central Board of Secondary Education (CBSE) were declared on 28.05.2016. The petitioner, on noticing that name of his father is incorrectly recorded, tendered an application to the CBSE on 19.08.2016 requesting to effect necessary correction. The application tendered by the petitioner, however, has been turned down on the ground that it is tendered late. The order also records that the change has not been notified in the Government Gazette before declaration of result. The petitioner approached the Education Officer with a request to direct the concerned i.e. the school and the CBSE Board to record correction in the name of father of the petitioner and accordingly the Education Officer has issued a direction on 14.08.2015 to

record necessary correction as regards name of father of the petitioner in the record maintained by the school. The school authorities have accordingly carried out the correction as per the directions of the Education Officer and requested for carrying out corrections in the record maintained by the CBSE.

4 The relevant rule, on which reliance is placed i.e. Rule 69.1(ii) permits tendering of an application for correction in the name of the candidate/father/mother or guardian, if tendered within one year from the date of declaration of result, provided that the application of the candidate is forwarded by the Head of the Institution with certain documents. The documents recorded in the relevant rule were stated to have been forwarded by the petitioner. Insistence of the board on the production of Gazette Notification recording correction in the name of father of the petitioner is misplaced. Such change/correction is not required to be notified in the Government Gazette. If there is change in the name of the candidate/father/mother/guardian, that is required to be notified in the Government Gazette. However, in the instant case, there is no change in the name of father, however, according to the petitioner, there is correction in the name of the father of the petitioner and, therefore, the record of CBSE needs to be corrected. The reason recorded by the CBSE while turning down application of the petitioner is erroneous. Even otherwise, since the Education Officer has directed correction of record, the CBSE ought to have observed the directions. The observance of the directives issued by the Education Officer would be necessary since the school is operated in the State of Maharashtra.

5 For the reasons recorded above, request made by the petitioner, in the instant petition, deserves to be granted. Writ Petition is allowed. Respondent No.1-CBSE is directed to carry out necessary correction in the name of father of the petitioner and record name of father of the petitioner as Dnyanoba instead of Dnyaneshwar in the 10th standard marks memo and Migration/Transfer certificate, etc. and issue forthwith corrected documents to the petitioner.

6 Rule is accordingly made absolute. There shall be no order as to costs.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

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