

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28997 of 2017

Vishal Shinde

S/o.Mr.Ashok Appa Shinde

... Petitioner

-Vs-

1.Central Board of Secondary Education
through its Regional Officer,
New No.3, J-Block, 16th main Road,
Anna Nagar West,
Chennai 600 040

2.Union of India,
represented by its Secretary,
Ministry of Human Resources Development,
New Delhi. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the 1st respondent to correct the names of the Petitioner and his father written in XIIth mark sheet (Roll Nos.4643363) and Passing Certificate of XIIth to be matched as VISHAL SHINDE and father's name as ASHOK APPA SHINDE and to issue fresh XIIth mark sheets and passing certificate of XIIth to the Petitioner at an early date without delay so as to enable the Petitioner to pursue his career without any impediment.

For Petitioner : Mr.V.Venkkatasamy

For Respondents : Mr.G.Nagarajan (for R1)
Standing counsel

Mr.B.Rabu Manohar (for R2)
Standing counsel

O R D E R

The petitioner passed 10th and 12th examination under the CBSE pattern in Kendriya Vidyalaya and his correct name is "Vishal Shinde" and his father's name is "Ashok Appa Shinde" and it was correctly reflected in the 10th mark list issued by the CBSE, dated 31.03.2013. The petitioner passed 12th examination in the year 2015.

2.The petitioner applied for Group Y (IAF/S) selection in Indian Air Force and appeared for selection test on 08.05.2017. On verification of certificates, the Officer in Airmen Selection Centre found that there is a mismatch in the petitioner's father's name in XII Passing Certificate and Mark Sheet compared to the X certificate. However, petitioner was provisionally permitted to appear in ST/Rally Tasgaon Centre in Sangli District on 08.05.2017 after obtaining undertaking from the petitioner on 09.05.2017 for Certification Support for Validation for petitioner's name and petitioner's father name mismatch.

3.Thereafter, petitioner submitted an application on 29.06.2017 to the Kendriya Vidyalaya, Pune requesting to issue the corrected mark sheet. The school by communication dated 10.07.2017 forward the petitioner's application to the CBSE for making corrections. However, the first respondent/CBSE rejected the petitioner's request for change of name by order dated 17.08.2017. The said order is challenged before this court.

4.Heard the learned counsel appearing for the petitioner and Mr.G.Nagarajan, learned standing counsel appearing on behalf of the CBSE.

5.It is evident from the 10th mark sheet issued by the CBSE dated 31.03.2013 that the petitioner's name is Vishal Shinde and petitioner's father's name is Ashok Appa Shinde. However, in the XII standard mark sheet dated 25.05.2015, the petitioner's name has been specified as "Vishal Ashok Shinde" and petitioner's father's name as "Ashok Appa Shinde". When the 10th certificate correctly reflects the petitioner's name and his father's name, the wrong names specified in the 12th mark sheet is required to be corrected.

6.The objection made by CBSE is based on amended rule no.69 (ii) of examination bye-laws of the Board which states that the application for correction in Candidate's/Father's/Mother's name and Date of Birth will be considered only within one year of the date of declaration of result. The said order was passed by the CBSE on 17.08.2017. However, subsequent to the passing of such an order, the CBSE had issued a circular dated 10.11.2017 by which the period of limitation for correction in candidate, Mother and Father Name/ correction in date of birth has been revised from one year to five years. Therefore, the circular issued by the CBSE on 10.11.2017 itself would support the case of the petitioner.

7.In view of the above stated position, the first respondent is directed to make corrections in the petitioner's name as well as petitioner's father's name in XII standard mark sheet and issue corrected mark sheet within a period of two weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

tkp/pgp

To

1. Central Board of Secondary Education
through its Regional Officer,
New No.3, J-Block, 16th main Road,
Anna Nagar West,
Chennai 600 040
2. The Secretary,
Union of India,
Ministry of Human Resources Development,
New Delhi.

+1cc to Mr.RABU MANOHAR Advocate, S.R.No. 84393
+1cc to Mr.V.VENKKATASAMY Advocate, S.R.No. 84491
+1cc to Mr.G.NAGARAJAN Advocate, S.R.No. 84475

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(CO)
TR(30/11/2017)

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