

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.29056 of 2017

and

W.M.P.No.31288 of 2017

M.Rajarajan
S/o.Mathivanan

... Petitioner

Vs

1.The Regional Officer,
Southern Region,
Central Board of Secondary Examination,
New No-3, Old No.1630 A,
"J" Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

2.The Controller of Examination,
Central Board of Secondary Examination,
Shiksha Kendra, No.2, Community Centre,
Preet Vihar,
New Delhi - 110 092.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to correct the petitioner's mother's name found in X-Standard CBSE mark statement of the petitioner dated 26.5.2009, under Serial No.SSE/2009/0364678, under Roll No.4106983 from "Usharani. M" to "Usharani. N" and issue corrected mark statement to the petitioner within a reasonable time.

For Petitioner : Mr.A.E.Ravi Chandran.

For Respondents : Mr.G.Nagarajan,

Standing Counsel for CBSE

O R D E R

The petitioner had completed 10th standard under CBSE stream. The mark sheet was issued by CBSE showing the petitioner's mother's name as "Usharani.M", whereas her correct initial is

"Usharani.N" which was not noted by the petitioner or by his parents. Thereafter, the petitioner continued education and completed B.Tech., degree from B.S.Abdur Rahman University in the year 2015.

2.The petitioner applied for Combined Defence Services Examination conducted by UPSC and came out successfully and he was called for interview at Allahabad through call letter dated 28.09.2017 for the interview to be held on 28.10.2017. When the petitioner went to Allahabad to attend the interview for verification of the certificates, the Service Selection Board found that the initial of petitioner's mother name is shown wrongly as "M" instead of "N", in the petitioner's 10th mark statement.

3.The petitioner was given time to rectify the mistake in 10th mark sheet and he was directed to attend the interview again with correct mark statement. Though, the petitioner approached CBSE, showing the circular dated 10.11.2017, they refused to entertain the application, as it was barred by limitation, as the petitioner failed to approach CBSE within 5 years from the date of issuance of certificate. Therefore, the petitioner has come before this court, seeking Writ of Mandamus, directing the respondents to correct petitioner's mother's name found in 10th standard mark sheet issued by CBSE dated 26.05.2009 in Serial No.SSE/2009/0364678, under Roll No.4106983 from "Usharani.M" to "Usharani.N" and issue correct mark statement.

4.Heard, Mr.A.E.Ravi Chandran, learned counsel for the petitioner and Mr.G.Nagarajan, learned Standing counsel for respondents.

5.Mr.G.Nagarajan, learned counsel appearing for the respondents would submit that the petitioner has not approached the CBSE to make claim for correction. Per contra, the learned counsel for the petitioner would submit that the respondents refused to entertain the application, when the application was given. De horse, whether the petitioner has given application or not. A perusal of the record would show that in the first page of SSLC book of the petitioner's mother, her name is reflected as "Usharani.N". Similarly in the passport of petitioner's mother, her name was shown as "Usharani.N". When that is the position, CBSE had wrongly issued mark sheet incorporating the petitioner's mother name as "Usharani.M" instead of "Usharani.N". Therefore, the correction has to be made by the respondents.

6.Though, the circular dated 10.11.2017 speaks about 5 years limitation from date of issuance of certificates for making corrections, it has to be noted that only during the interview

conducted at Allahabad, on 28.10.2017, the petitioner came to know about the discrepancy and thereafter, he immediately rushed to the Court. Therefore, limitation cannot be employed against the person who subsequently came to know about the discrepancy. When the documents filed by the petitioner would categorically prove that the petitioner's mother's name is "Usharani.N", the same has to be incorporated by the CBSE in 10th mark sheet of the petitioner, instead of "Usharani.M".

7.Taking into consideration of the fact that no application has been filed by the petitioner with the CBSE, the petitioner is directed to file application with all relevant documents with prescribed fees, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall carry out the corrections and issue certificates within a period of two weeks, thereafter.

8.The Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

tkp/pgp

To

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New Delhi - 110 092.

+1cc to Mr.N.Anand Venkatesh, Advocate SR.No.84325

+1cc to Mr.G.Nagarajan, Advocate SR.No.84476

W.P.No.29056 of 2017

DK(CO)

GN(30/11/2017)