IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.41651 of 2016
and
W.M.P.Nos.35632 & 35633 of 2016

B.Jeyasuriyaa (Minor)
S/o.S.R.Balasubramanian
Darbar Nagar
Natham, Dindigul District
Rep by his father & Natural Guardian
S.R.Balasubramanian .. Petitioner

-vs.-

1. The Deputy Secretary
   Central Board of Secondary Education
   Regional Office
   Plot No.1630-A,
   J - Block, Annanagar West
   Chennai - 600 040.

2. The Assistant Secretary
   Central Board of Secondary Education
   Regional Office
   Plot No.1630-A,
   J - Block, Annanagar West
   Chennai - 600 040.

3. The Principal, (06908)
   Sainik School
   Amaravathi Nager Post
   Udumalpet Taluk,
   Coimbatore District - 642102. .. Respondents

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Prayer:
Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the 2nd respondent herein in his proceedings CBSE/RO(M)/Corrn/Rejn/6716/2015, dated 23.02.2016 and quash the same and consequently direct the respondents 1 and 2 to issue new Certificate of Migration and AISSE 2012-15 marks

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sheet by making necessary corrections in the name and date of birth of son of the petitioner within the stipulated time.

For Petitioner : Mr.S.Anburaja

For Respondents : Mr.G.Nagarajan, for R1 & R2

Mr.Su.Srinivasan, ASGI for R3

ORDER

The petitioner has come up with the present writ petition challenging the order of the second respondent by which the petitioner's request for changing his date of birth as ''15.10.1998'' instead of ''06.08.1998'' and to change the spelling in his name as ''B.Jeyasuriyaa'' instead of ''B.Jeyasuriya'' has been rejected.

2.The learned counsel appearing for the petitioner would submit that the petitioner was admitted in the third respondent School in X standard and prior to that he was studying in Sri Venkateswara Matriculation School, Manupatti, Udumalpet Taluk. On completion of the X standard, the certificate issued by the Central Board of Secondary Education reflected the name of the petitioner as ''B.Jeyasuriya'' instead of ''B.Jeyasuriyaa''. Apart from that instead of incorporating the actual date of birth viz., ''15.10.1998'', the Grade Sheet cum Certificate of Performance reflected the date of birth as ''06.08.1998''. In order to rectify those defects in the Grade Sheet cum Certificate of Performance, the petitioner approached the first respondent. However, the said request was turned down by the impugned order passed by the second respondent stating that the request for name correction has been received after the stipulated time and hence, the requested is rejected as time lapsed.

3.The learned counsel for the petitioner would further submit that the Transfer Certificate issued by Sri Venkateswara Matriculation School, Manupatti, Udumalpet Taluk reflected the name of the petitioner as B.Jayasuriyaa and date of birth as 15.10.1998. Whereas the Grade Sheet cum Certificate of Performance issued by the first respondent through the third respondent School reflected the name of the petitioner as ''B.Jeyasuriya'' and the date of birth as ''06.08.1998'', as was furnished by the third respondent. Since at the instance of the third respondent, the first respondent without any material has wrongly described the name of the petitioner and the date of birth, the same has to be rectified and hence, the learned counsel for the petitioner prayed for allowing the writ petition.

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4.On the other hand, Mr.G.Nagarajan, learned counsel appearing for the respondents 1 and 2 would submit that since the petition to correct the errors has been received beyond the stipulated time of one year, the impugned order was rightly passed.

5.Mr.Su.Srinivasan, learned Assistant Solicitor General of India appearing for the third respondent School would submit that the particulars furnished by the parents of the petitioner alone was forwarded to the first respondent and the same has been rightly incorporated in the Grade Sheet cum Certificate of Performance and therefore, there is no error on the part of the third respondent.

6.Heard Mr.S.Anburaja, learned counsel appearing for the petitioner, Mr.G.Nagarajan, learned counsel appearing for the respondents 1 and 2 and Mr.Su.Srinivasan, learned counsel appearing for the third respondent.

7.On perusal of the records, especially when the Transfer Certificate issued by Sri Venkateswara Matriculation School, Manupatti, Udumalpet Taluk reflected the name of the petitioner as ''B.Jayasuriyaa'' and date of birth as ''15.10.1998'' and the same has been submitted before the third respondent School when the petitioner was admitted in the X standard, it is not known on what basis the third respondent had given a different spelling in the petitioner's name and a different date of birth. The third respondent cannot go beyond the details given in the transfer certificate and on its own change the spelling in the petitioner's name and also change the date of birth. Further, though the first and second respondents can act upon only on the materials provided by the third respondent, when a mistake has been committed by the third respondent, consequent upon which the mistakes have crept in the Grade Sheet cum Certificate of Performance issued by the first respondent, the same has to be corrected.

8.In view of the above stated position, the impugned order suffers and the same is hereby quashed with a direction to the second respondent to rectify the mistakes as sought for by the petitioner in the Grade Sheet cum Certificate of Performance as well as the Migration Certificate and issue a fresh Grade Sheet cum Certificate of Performance as well as the Migration Certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to return the original Grade Sheet cum Certificate of Performance and the migration certificate already issued to him by the first respondent and the petitioner is also directed to pay the necessary fees for the same.

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9.The writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Deputy Secretary
   Central Board of Secondary Education
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3. The Principal, (06908)
   Sainik School
   Amaravathi Nager Post
   Udumalpet Taluk,
   Coimbatore District - 642102.

+1cc to Mr.K. Balaji, Advocate Sr. 18619
+1cc to Mr.G. Nagarajan, Advocate Sr. 18451
+1cc to Mr.Su. srinivasan, Advocate Sr. 18219

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NMI(CO)
VR(25/4/2017)

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