

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.2408 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following the relief:

“..For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction by declaring the Proceeding No. RO(M)/ CORRIV/ REJ/ 2017/ 9870, dated 17.8.2017 issued by the 2nd respondent herein as arbitrary, illegal and unconstitutional and consequently direct the 2nd respondent herein to carry out the correction as per the request of the Petitioner dated 21.06.2017, in the marks memo, Migration Certificate and Transfer Certificate etc., forthwith and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of *Sri T.Nagarjuna Reddy*, learned counsel appearing for the petitioner, and of *Smt. A.Chaya Devi*, learned Standing Counsel appearing for the 2nd respondent-Central Board of Secondary Education (CBSE). I have perused the material record.

3. The case of the writ petitioner, in brief, is this:

The petitioner's husband's name is mentioned as 'Sudheer Reddy P' instead of as 'Sudheer Kumar Reddy P' in the Transfer Certificate, Migration Certificate and the Marks Memo etcetera of her daughter. The daughter of the petitioner studied as a regular student in Bharathiya Vidya Bhavan from the years 2003 to 2016, that is, from Kindergarten to 10th standard. Her admission number is 2403. Having noticed a mistake in the name of her husband as stated above in the Marks Memo, Transfer Certificate and Migration Certificate etcetera issued to the student, the petitioner sought correction of her

husband's name in the said documents. She had also submitted the 'Filled in format for correction', parents' request letters to the Principal, her daughter's School Registration Form for admission, Date of Birth Certificate of her daughter, Marks Statement & Migration Certificate of her daughter, copies of Aadhar cards of the petitioner, her husband and her daughter. However, her request in the letter, dated 21.06.2017, for correction of the name of her husband in the above school records/certificates of the student was rejected *inter alia* informing her that on account of delay in representing the case and for not making the request within the stipulated period, the request is rejected in accordance with the provision of the amended Rule 69.1 (ii) of the 'Examination Bye-Laws relating to correction & change in name and period for correction in Date of Birth' ('Rules', for short). Therefore, the present writ petition is filed.

4. Learned counsel for the petitioner invited the attention of this Court to the copies of all the documents aforesaid and also the copies of PAN cards and passports of the petitioner's husband and daughter and other documents like SSC certificate and Transfer Certificate of the student filed by the petitioner in support of her request and requested for granting the relief prayed for.

5. The 2nd respondent filed a counter affidavit. While reiterating the contents thereof, the learned Standing Counsel for the 2nd respondent/CBSE contended that the petitioner applied for desired correction, on 21.06.2017, that is, one year after the declaration of the results of her daughter, which were published in May 2016; that as per Rule 69.1 (ii) of the Rules, a request like the present one for change of name of the father of the student in the certificates shall be considered if only such a request is made within one year from the date of the declaration of results; that the request in the instant case was made beyond the said prescribed limit. Hence, the rejection letter, dated

17.08.2017, which is impugned, is rightly issued. However, the learned Standing Counsel fairly submits that as per the amended Rule, the time limit for seeking corrections is five years from the date of declaration of results. She has further invited the attention of this Court to the Rule aforesaid and would submit that even when an application for correction is made within the time allowed under law, the correction is permissible when the correction sought is consistent with what is given in the school records and contended that the writ petition without a challenge to the above said Rule is not maintainable. Therefore, it is submitted that the writ petition is liable for dismissal.

6. From the facts narrated, it is clear that even at the time of the admission of the student, that is, the daughter of the petitioner, into the school, the name of the husband of the petitioner is wrongly mentioned; and therefore, the wrong name that was mentioned at the time of admission of the child into school was carried out in the records including the Marks Memo, Migration Certificate and Transfer Certificate etcetera. Obviously, the name of the father of the child was wrongly mentioned by mistake at the inception. Therefore, since the name of the father was wrongly mentioned at the inception, that is, at the time of admission of the child into the school, the school records reflect only the wrong name and will not naturally be consistent with the present request for correction of the name of the father of the student. Therefore, the insistence that the request for correction must be in consonance and consistent with the entries already made in the school records is untenable. The submission that a request for correction would be considered if only the correction sought is consistent with what is given in the school records or List of Candidates (LoC) submitted by the school is equally untenable. In that view of the matter and the overwhelming documentary evidence produced by the petitioner and having regard to the peculiar facts of

the case, this Court finds that it is obligatory on the part of the respondents and the concerned authorities to correct the aforesaid mistake as desired by the petitioner ignoring the delay, if any, in making the request and without insisting upon the requirement of consistency with the name of the husband of the petitioner as given in the school records of the student or LoC. As rightly submitted, if the correction is not permitted, it would affect the interests of the student in getting admissions into educational institutions for higher studies and career progression.

7. On the above analysis, this Court finds that the request in the writ petition merits consideration.

8. In the result, the writ petition is allowed as prayed for.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

24.04.2018

Note:- Issue CC by 25.04.2018
(B/o)
RAR

M. SEETHARAMA MURTI, J

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