

Sr.No. 208

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 16390 of 2016
Date of decision:16.03.2017**

Amritpal Singh

.....Petitioner

versus

Central Board of Secondary Education and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Vinod K.Kaushal, Advocate
for the petitioner.

Mr. Nitin Kant Setia, Advocate
for respondents No. 1 and 2.

Rakesh Kumar Jain, J.(Oral)

This petition is filed in order to challenge the order dated 27.10.2015(Annexure P-6) passed by the Central Board of Secondary Education(CBSE) rejecting the application of the petitioner for seeking correction of the mother name from 'Rapinder Kaur' to 'Rupinder Kaur' in the certificate/DMC of 10th Class.

Counsel for the petitioner has submitted that firstly, the impugned order is without reason and secondly, the petitioner is governed by unamended provisions of clause 69.1(i) of the Examination Bye-laws issued by the CBSE as per which the petitioner could have filed the application after 10 years from the date of issue of first such document.

On the other hand, counsel for the respondent/CBSE has submitted that the amendment has been brought in the examination bye laws on 25.06.2015 as per which the petitioner could have applied for the change in the name of his mother before the declaration of result.

I have heard both the learned counsel for the parties and after

examining the available record, am of the considered opinion that the amended provision would not apply because result was declared in May, 2015 whereas amendment has been brought in clause 69.1(i) of the Examination Bye-laws on 25.06.2015, therefore, there was no occasion for the petitioner to apply in terms of the amended provisions. Consequently, the application filed by the petitioner has wrongly been dismissed by the respondent/CBSE and as such, the impugned order is hereby quashed and direction is issued to the CBSE to issue fresh certificate of 10th class to the petitioner after correcting the name of his mother from 'Rapinder Kaur' to 'Rupinder Kaur'. The needful shall be done within a month from the date of receipt of certified copy of this order.

16th March, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No