

Sr.No.214

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

**CWP No. 16904 of 2016
Date of decision:06.03.2017**

Prabhjot Kaur Grewal

.....Petitioner

versus

Union of India and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Nitin Kant Setia, Advocate
for respondents No. 2 to 4.

Rakesh Kumar Jain, J.(Oral)

The petitioner has prayed for a writ in the nature of certiorari for setting aside the order dated 29.04.2016 passed by the Central Board of Secondary Education(CBSE) and also for the issuance of a writ in the nature of mandamus for seeking a direction to respondent No. 1 to make necessary corrections regarding the name of adopting father of the petitioner in the certificate of Matriculation issued by the CBSE.

In short, the petitioner was born on 24.10.1995 to her natural parents, namely, Kirandeep Kaur @ Balvir Kaur and Harcharan who died on 3.03.1999. The petitioner was adopted by a divorcee, namely, Manjit Kaur Khosa daughter of Rakha Singh by way of adoption deed dated 29.03.2004. The petitioner passed 8th standard from Summer Fields Senior Secondary School, Moga and took admission in 9th standard at Nankana Sahib Public School, Ludhiana, affiliated to CBSE. The School Leaving Certificate dated 13.04.2010 issued by Summer Fields Senior Secondary School, Moga revealed the name of adopting mother namely, Manjit Kaur Khosa but the

column regarding the father's name was kept vacant. Since the adopting mother of the petitioner was not present in the country, therefore, the address of the local guardian Sohan Singh and his wife Paramjit Kaur was mentioned at the time of admission in the 9th standard. The petitioner appeared for the 10th class examination under the Roll No. 2204529 in the session 2010-12 conducted by the CBSE and passed the examination. The CBSE issued the certificate/DMC in which the name of Sohan Singh was mentioned in the column of parent alongwith the name of her adopting mother. On 8.03.2012, the mother of the petitioner married to Kulwinder Singh Grewal and thus, her name was changed to Manjit Kaur Khosa to Manjit Kaur Grewal. On 8.03.2004, the earlier adoption deed dated 29.03.2004 was amended and Kulwinder Singh as well as Manjit Kaur Grewal both shown to have adopted the petitioner vide amended adoption deed which was registered vide registration No. 36 dated 8.05.2014. Accordingly, the name of the petitioner was changed from Prabhjot Kaur Khosa to Prabhjot Kaur Grewal. The petitioner informed the school regarding the change of her parentage which was communicated by the school authorities to the CBSE and appropriate entry was made in the 10+2 certificate.

The petitioner is aggrieved that the name of her father has been wrongly mentioned as Sohal Singh in her 10th class certificate whose name was entered as guardian at that time because her mother was not available in India and when an application was made to the CBSE in this regard, it has been rejected by the impugned order dated 29.04.2016 on the ground the school record of the petitioner does not support the desired correction.

After notice, respondent has put in appearance and filed short reply, relying upon clause 69.1(i) of the examination byelaws, amended in the year 2015, providing that the application has to be made within one year after the declaration of the result.

Counsel for the petitioner however, submits that the entry of the name of the present father is already there in the Passport bearing Passport No. L9826594 issued by the Government of India and in the Aadhaar Card. Thus, the only anomaly in the certificates of the petitioner is regarding the name of Sohan Singh appearing in the 10th class certificate in the column of her father which should have been Kulwinder Singh Grewal.

I have heard both the learned counsel for the parties and after examining the available record, am of the considered opinion that the impugned order deserves to be set aside because the CBSE itself has issued the 10+2 certificate, on the basis of the information received from the concerned school, about the correct parentage of the petitioner which has to be there in the 10th class certificate in which the name of the father of the petitioner has been wrongly recorded as Sohan Singh.

Consequently, the present writ petition is allowed. The impugned order is set aside and direction is issued to the CBSE to issue a fresh certificate of 10th class to the petitioner with correct name of her father i.e. Kulwinder Singh Grewal in place of Sohan Singh. The entire exercise shall be carried out within a period of one month from the date of receipt of certified copy of this order.

It is needless to mention that while issuing fresh 10th class certificate, the name of the petitioner be also corrected from Prabhjot Kaur

Khosa to Prabhjot Kaur Grewal.

6th March, 2017

Shivani Kaushik

[Rakesh Kumar Jain]
Judge

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*