

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

C.W.P No.18019 of 2016
Date of Decision : 11.07.2017

Gurleen Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Amrinderjit Singh Sandhu, Advocate
for the petitioner.

Mr. H.S. Sitta, A.A.G., Haryana
for respondents No.1, 2, 4 & 5.

Mr. A.P.S. Tung, Advocate
for respondent No.3.

Mr. M.K. Bhatnagar, Advocate
for Mr. J.S. Dadwal, Advocate
for respondent No.6.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed that the respondent no.3-Board be directed to correct some particulars in her Detailed Marks Sheet.

As per the averments when the petitioner took admission in

admission register. The petitioner pointed out the same and the respondent No.6 assured her that the mistakes would be corrected. However, they were not corrected and this fact came to light only when the petitioner saw the result of the 10+2 examination. On behalf of the respondent No.6 all allegations of negligence have been repelled. It is stated that whatever particulars have been filled in the admission register was as per the documents/ information supplied by the petitioner. It is further mentioned that the petitioner approached the respondent No.6 after more than one year and it is only out of sympathy for her that the respondent No.6 corresponded with the respondent No.3-Board to get the correction made. On behalf of the respondent No.3-Board it is averred that even in the examination form which was signed by the petitioner the wrong particulars were mentioned. Consequently, there was no mistake on its part.

I put it to the learned counsel appearing for the respondent No.3-Board whether there is any policy regarding correction, he has very fairly informed me that corrections are made if an application is made within five years. He has also accepted that the present application was made within five years. However, as per him the prayer made by the petitioner was rejected only because there was no satisfactory answer by the respondent No.6 as to how the mistake had occurred.

In my opinion, this is not the correct approach. The issue is not how the mistake occurred, but whether there was a mistake. If this is so whether the said mistake is due to either carelessness or accident or even negligence, would not affect the matter. Of course, it would be a different thing if an applicant has derived some benefits from the mistake or is

seeking to undo any disqualification. By way of illustration, supposing the present petitioner had been convicted and in that conviction her father's name was wrongly mentioned and she later wanted to correct the name of her father only to avoid the affect of conviction, it may have been a good ground for rejection. By way of another illustration, supposing the petitioner had taken some exam under the wrong parentage and after taking the requisite number of chances wanted to correct the name of father so that she would get another chance to appear in the exam, it may have been justified to reject her application. But as mentioned above if it is a case of mistake and the petitioner is not trying to get any collateral benefit or avoid any disqualification by the change of name the application should not be rejected.

In the circumstance, the impugned order (Annexure P-13) rejecting the claim of the petitioner is set aside and the respondent No.3 is directed to re-examine the prayer in the light of the observations made above. Let the necessary action be taken and the order be passed as per law within a period of one month from the date of receipt of a certified copy of this order.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

July 11, 2017
ashish

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No