

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

CWP No.19279 of 2016
Date of Decision:-11.01.2017

Anchal Balu

..... Petitioner

Vs.

Central Board of Secondary Education and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Jasraj Singh, Advocate,
for the petitioner.

Mr.N.K. Setia, Advocate,
for respondents No.1 & 2.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the order dated 13.07.2016 passed by respondent No.2, by which the correction in the name of her father in the Detailed Marks Certificate (DMC) of Class 10th dated 20.5.2014 has been declined on the ground that there is a variation/inconsistency in different school documents and the representation for the correction has not been initiated within one year of the declaration of result.

In short, the petitioner was the student of Kendriya Vidyalaya No.1, Jalandhar Cantt. Jalandhar. Her examination form was sent by her school to the CBSE for the examination of 10th class. The petitioner passed her 10th class and respondent No.2 issued DMC to her on 20.5.2014 in which her father's name has been wrongly mentioned as Harmesh Balu instead of

school for correction of his name in their record and the record of CBSE. The school sent three letters dated 10.05.2016, 17.06.2016 and 08.07.2016 to respondent No.2 requesting for correcting the name of the father of the petitioner in the DMC issued for 10th Class. The school also sent the birth certificate, mark sheet and admission form of the petitioner but her application was declined on the grounds mentioned hereinabove.

Learned counsel for the petitioner has submitted that the name of her father has been categorically mentioned as Harmesh Lal in her birth certificate, Aadhar card and admission form but inadvertently at the time of filling the examination form of 10th Class during the year 2014, the school wrongly mentioned her father's name as Harmesh Balu instead of Harmesh Lal as the name of the petitioner is Anchal Balu. The school took this responsibility on itself of committing the error in submitting the examination form with the incorrect name of the father of the petitioner and requested respondent No.2 to make necessary correction on the basis of the documents submitted like admission form, registration form and admission register in which name of the petitioner's father is clearly mentioned as Harmesh Lal instead of Harmesh Balu.

Learned counsel for the petitioner has further submitted that there is no fault on the part of the petitioner for which she should be made to suffer as the name of her father has been clearly mentioned as Harmesh Lal in the application form at the time of admission and it was the mistake on the part of the school in mentioning her father's name as Harmesh Balu while filling her examination form of 10th Class in the year 2014. It is further submitted that Rule 69.1(ii) of the Examination Bye-laws of the CBSE provides the period for making correction in the spelling errors, factual

name/mother's name or guardian's name within 10 years from the date of declaration of result which was changed on 25.6.2015 from 10 years to one year. The petitioner had applied for the correction on 10.05.2016 as she was not aware of the change in the period from 10 years to one year in Clause 69.1(ii) of the Bye-laws and even otherwise it is submitted that if the period of one year is to be counted from the date of change i.e. from 25.6.2015, the application filed by the petitioner is within limitation i.e. within one year having been filed on 10.05.2016. It is also submitted that the purpose for reducing the period from 10 years to one year is perhaps for ensuring that the wrong entry may not travel in various other educational certificates but in the present case the petitioner had filed the application without wasting much time and that the error committed by the school in the name of her father may not be allowed to continue as it would ultimately create discrepancy *vis-à-vis* the other certificates in which the name of her father is mentioned correctly.

On the other hand, learned counsel for respondents No.1 & 2 has submitted that the application of the petitioner has been rejected on just and cogent grounds because in the examination form the name of her father was mentioned as Harmesh Balu whereas in her school record it is mentioned as Harmesh Lal and that the application has been filed by the petitioner after the expiry of one year from the date of declaration of her result.

I have heard both the learned counsel for the parties and perused the record.

Insofar as the first objection raised by respondent No.2 in declining the prayer made by the petitioner is concerned, it would be

Lal as it is not only mentioned in her birth certificate and Aadhar card but also in the application form of her admission and it was the mistake committed by the school in mentioning her father’s name as Harmesh Balu at the time when the application form was filled up for 10th Class examination in the year 2014. The school has owned its responsibility in the application dated 10.5.2016 for having committed the mistake and sent the documents namely, admission form, registration form and abstract from the register indicating the name of the petitioner’s father as Harmesh Lal instead of Harmesh Balu.

In view of the fact that there is no error committed by the petitioner in giving the correct name of her father as Harmesh Lal and the error has been committed by her school, therefore, she cannot be held responsible and the objection raised by respondent No.2 in declining her application on the ground that there is a variation/inconsistency among different school documents cannot be sustained.

In respect of the second objection that the application has not been filed within a period of one year, it would be relevant to refer to Clause 69.1(ii) of the Bye-laws, both amended and un-amended, which read as under:-

69.1(ii)	<i>Correction in name to the extent of correction in spelling errors, factual typographical errors in the candidate’s name / surname. Father’s name to make it consistent with what is given in the school record or</i>	<i>Correction in name to the extent of correction in spelling errors, factual typographical errors in the candidate’s name / surname. Father’s name to make it consistent with what is given in the school record or</i>
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	<i>list of candidates (LOC) submitted by the school may be made.</i> <i>Application for correction in name of Candidate/Father's/ Mother's/Guardian's name will be considered only within ten years of the date of declaration of result provided the application of the candidate is forwarded by the Head of institution with the following attested documents"</i> <i>a) True copy of admission form(s) filled in by the parents at the time of admission duly attested by the Head of the considered institution.</i> <i>b) True copy of the School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of admission</i>	<i>list of candidates (LOC) submitted by the school may be made.</i> <i>Application for correction in name of Candidate/Father's/ Mother's/Guardian's name will be considered only within one years of the date of declaration of result provided the application of the candidate is forwarded by the Head of institution with the following attested documents"</i> <i>a) True copy of admission form(s) filled in by the parents at the time of admission duly attested by the Head of the considered institution.</i> <i>b) True copy of the School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of</i>
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	<i>duly attested by the Head of concerned institution.</i>	<i>admission duly attested by the Head of concerned institution.</i>
	<i>c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.</i>	<i>c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.</i>

There is no change in the aforesaid clause except for the period during which the application can be filed. The application has to be routed through school, who has filed the same on 10.5.2015 though the amendment came on 25.6.2015 and the result was declared on 20.5.2014.

Learned counsel for respondents No.1 & 2 has argued that the purpose behind reducing the period from 10 years to one year was to ensure that the error, if any, should be corrected as early as possible so that it may not travel in the subsequent documents/educational certificates and since the application has been filed after the amendment has come, therefore, the period of one year has to be considered and not 10 years. In this regard, it would be pertinent to mention that the error in the name of the father of the

petitioner is writ large and is not because of her fault rather the father of the

petitioner, who has been mentioned as labourer (majdoor) in the application form of the petitioner, has specifically mentioned his name as Harmesh Lal, which cannot be allowed to be continued as Harmesh Balu to the detriment of the interest of the petitioner which may cause various problems to her in her future prospects. Thus, in the given facts and circumstances, I am of the considered view that the name of the father of the petitioner has to be corrected as much time has not elapsed between the date of declaration of result and the date of the application and if respondent No.2 has to strictly construe the period of one year for the purpose of filing application, it can be considered from the date of notification of the amended Clause 69.1(ii) of the Bye-law, from the said date and not from the date of declaration of result and in that eventuality also application filed by the petitioner would be maintainable as having been filed within a period of one year from the date of issuance of notification of the amended provision of 69.1(ii) of the Bye-laws. Thus, keeping in view the totality of circumstances, the second objection raised by the respondents is hereby overruled.

Consequently, the writ petition is hereby allowed and direction is issued to respondent No.2 to issue a fresh DMC of 10th Class of year 2014 to the petitioner with the correct name of her father as Harmesh Lal instead of Harmesh Balu. The needful shall be done within a period of one month from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

11.01.2017
Vivek

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No