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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP (Com.) No.23061 of 2016
Date of Decision : 04.07.2017

Daman Preet Kaur

..... Petitioner

Versus

Central Board of Secondary Education and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K. Shukla, Advocate
for the petitioner.

Mr. N.K. Setia, Advocate
for respondent No.1-CBSE.

Mr. R.S. Dadwal, Advocate
for Mr. Aman Chaudhary, Advocate
for the respondent No.2.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has claimed that the name of her mother be corrected on Class 10th and 12th Certificates and on Detailed Marks Certificates issued by the respondent No.1-CBSE.

It is averred that in the Class 10th Certificate and Detailed Marks Certificate of Class 10th the name of the mother of the petitioner has been mentioned as Kulwinder Kaur instead of Kalbinder Kaur. As regards the Class 12th Certificate and Detailed Marks Certificate of Class 12th, there

were two mistakes, in so much as the name of the mother was again wrongly

mentioned and even the petitioner's name was wrongly mentioned. As per the petitioner her name is Daman Preet Kaur but in the Class 12th Certificate and Detailed Marks Certificate of Class 12th it had been mentioned as Damanpreet Kaur.

Counsel for the petitioner states that the respondent No.1 has corrected the spacing and Capital in the names of the petitioner but has rejected the prayer for correcting the name of mother of the petitioner.

Counsel for the respondent No.1-CBSE has argued that as per the rules any application for change of any particular in the Certificates can be entertained only before the result is declared. However, on this standard even the prayer for correcting the spelling/spacing of the name of the petitioner had to be rejected but the respondent No.1 has itself corrected the same.

In those circumstances, keeping in view the nature of the relief claimed, in my considered opinion it is not now open to the respondent No.1-CBSE to take the stand that while it could correct the spelling of the name of the petitioner even though that was also applied for later yet it could not correct the spelling of the name of the mother of the petitioner. It may be mentioned that there is no dispute about the correctness of the fact ascertained by the petitioner and only plea taken is that of delay. Consequently, the respondent No.1-CBSE cannot be permitted to take different stands with regard to prayers made by the same application.

Resultantly, the petition is allowed and the respondent No.1-CBSE is directed to change the spelling of the name of mother of the petitioner from Kulwinder Kaur to Kalbinder Kaur in Class 10th and Class

12th Certificates and Detailed Marks Certificates of Class 10th & 12th.

Counsel for the respondent No.1-CBSE has however raised one pertinent issue. As per him the original certificates were issued in the year 2010 and 2012 and it is not known as to how many places the petitioner had used them till date and prays that the respondent No.1-CBSE may be permitted to make a special note on the fresh Certificates mentioning that the spelling has been changed in view of today's Court order.

I find this to be a fair request. In the circumstances, the respondent No.1-CBSE is directed to issue relevant Certificates with the note as mentioned above. Let the necessary exercise be done and the relevant Certificates be issued within a period of two months from the date of receipt of a certified copy of this order.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

July 04, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No