

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 27049 of 2016

Date of decision : 18.05.2017

Maitri Mehta

.....Petitioner

versus

CBSE and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Kunal Mulwani, Advocate
for the petitioner

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

Mr. Yadvinder Singh Saini, Advocate
for respondent No. 3

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the issuance of a writ in the nature of certiorari for quashing the order dated 03.05.2016 (Annexure P-4) passed by the Central Board of Secondary Education (for short 'the Board') by which application filed by the petitioner, seeking change of surname of her mother from Garima Mehta to Garima Prabhaker has been rejected on the ground that the school record does not support the desired correction.

It is submitted that the petitioner got admission in the Saupin's School, Sector 32-A, Chandigarh. The Board conducted the AISSE/AISSCE Examination 2015. The petitioner cleared the said examination and, accordingly, the Board issued DMC dated 28.05.2015 wherein the name of her mother was mentioned as Garima Mehta. It is submitted that the surname of her mother before her marriage was Mehta which has been changed after marriage to Prabhaker but in all documents the surname of her mother is Prabhaker, like birth certificate, passport,

Identity Card and Aadhar Card. It is further alleged that an application was filed by the petitioner to the Principal of her school for seeking change in the surname of her mother. The Principal of the school forwarded that application to the Board alongwith its letter dated 14.3.2016 but it has been rejected only on the ground that in the school record the surname of the mother of the petitioner is recorded as Mehta instead of Prabhaker. He further submits that there would be documents recording contradictory surname of her mother like in her birth certificate, the surname of her mother which was earlier Mehta has already been changed as Prabhaker and endorsement in this regard vide Correction Case L.R. Letter No. 219 made on 2.2.2016. It is also submitted that in the passport, possessed by her mother, her surname has been recorded as Prabhaker. It is further alleged that the mother of the petitioner is serving in Government of Punjab where her name has been recorded as Garima Prabhaker. It is also submitted that the only document in which name of her mother is mentioned as Mehta is the DMC issued by the Board which would create problem in future for the petitioner who is still pursuing her studies as a minor. Counsel for the petitioner has also relied upon the decision of this Court in the case of ***Rishabh Jhamb (Minor) vs. Central Board of Secondary Education and others, 2015(4) PLR 180.***

On the other hand, counsel for the respondent has submitted that the application has been filed after the result was declared whereas it should be filed before the result declared by the respondent.

I have heard learned counsel for the parties and after taking into consideration the facts and circumstances, am of the considered opinion that petition deserves to be allowed and the impugned order deserves to be set aside because it would lead to an anomaly in certificates of the petitioner as in the DMC possessed by the petitioner her mother's name is Garima Mehta whereas in all other documents her name is mentioned as Garima Prabhaker. Thus, in these facts and circumstances

it is required that the matriculation certificate of the petitioner be corrected by incorporating the name of her mother as Garima Prabhaker instead of Garima Mehta. Consequently, the present petition is allowed. The direction is issued to the Board to make necessary correction in the DMC issued to the petitioner in which it would mention the name of mother as Garima Prabhaker instead of Garima Mehta and also make endorsement that the said correction is made under the Court order. The needful be done within a period of one month.

18th May, 2017
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[Rakesh Kumar Jain]
Judge

Whether Speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*