

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

CWP No.6204 of 2016
Date of Decision:-14.02.2017

Divya Jyoti

.Petitioner

Vs.

Central Board of Secondary Education and others

.Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Mr.Nitin Kant Setia, Advocate,
for respondents No.1 & 2.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the letter/order dated 12.08.2015 passed by respondent No.2, declining her prayer for correction of her father's name in the certificates of 10th & 10+2 classes.

In brief, the petitioner got admission in Class-IIIrd on 3.04.2002 in Gian Jyoti Public School, affiliated to the Central Board of Secondary Education [for short 'CBSE'] and mentioned the name of her father and mother as Kewal Krishan and Ranbir Kaur respectively. It is averred that due to an inadvertence, name of her father in the Matric Mark Sheet appeared as Kamal Kumar instead of Kewal Krishan which was followed in the certificate of 10+2 class also. The petitioner sent a letter to her school for the purpose of correction and in turn respondent No.3 (School) also

wrote a letter to respondent No.2 for the correction of the name of the father

of the petitioner as Kewal Krishan instead of Kamal Kumar. The said request made by the petitioner was declined vide impugned letter/communication dated 12.08.2015 on the ground that there is a cutting tempering/lateral entry in the school record.

Learned counsel for respondents No.1 & 2 has submitted that the mother of the petitioner herself made a request for incorporating the name of Kamal Kumar, the alleged step father of the petitioner, in her school record instead of her biological father Kewal Krishan. However, it is not denied that if the name of the biological father is known then the name of biological father can be mentioned and in this regard he has referred to Rule 68 of the Examination Bye-Laws of 1995 issued by respondent No.2, which read as under: -

“The candidates (who are orphans) will have the option to mention the guardian’s name in the records of the Board (Certificate, Marks Statement etc.). In no case will the name of guardian be mentioned if the names of either or both of the parents are known”

In this case the name of the natural parent of petitioner are known, namely, Kewal Krishan and Ranbir Kaur, therefore, the name of Kamal Kumar, who is the alleged step father of the petitioner, is not required to be mentioned in the certificate issued to the petitioner by respondent No.2 for Class 10th and 10+2.

Thus, keeping in view the facts and circumstances of the case, the present writ petition is hereby allowed and the impugned letter/order dated 12.8.2015 is set aside and direction is issued to respondent No.2 to issue fresh certificates to the petitioner of Class 10th and 10+2 incorporating

the name of her father as Kewal Krishan instead of the name of alleged step father Kamal Kumar.

The needful shall be done within a period of one month from the date of receipt of certificate copy of this order.

14.02.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>