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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2563/2017 & CM No.11085/2017 (Stay)

% Date of decision : 8th May, 2017

KUMARI ANANYA CHOWDHURY Petitioner
Through : Mr. Raj Kumar Verma, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION,
DELHI & ORS Respondents
Through : Mr. Atul Kumar, Adv.
for R-1 & 3.
Mr. Arnav Kumar, Adv.
for R-2.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. With the consent of both parties, this writ petition is taken up for consideration.
2. The petitioner, who is described as Ananya Chowdhury in the writ petition, was transferred from the Eastern Metropolitan Academy, Kolkata when she had cleared Class-IV for promotion to Class-V in the Bodhicariya Senior Secondary School, Kolkata. Her name was so registered at the time of her admission in the transferor school as well as school to which she was admitted after transfer.

3. Admittedly there is no dispute that, in the year 2013, the petitioner undertook Secondary School Examination Session 2011-2013 against Roll No.6130482 from the Central Board of Secondary Education, Delhi. The Grade Sheet cum Certificate of Performance issued to the petitioner by CBSE, Delhi reflects her name as “*Ananya Choudhary*” and the name of her parents as “*Pinki Choudhary/Mahesh Choudhary*”.

4. The petitioner thereafter passed All India Senior School Certificate Examination, 2015 against Roll No.6626920 in May, 2015. The petitioner has placed a copy of the marksheet as well as the certificate which was issued by the Central Board of Secondary Education wherein her name was shown as “*Ananya Chowdhury*” and her mother’s name was correctly reflected as “*Snehlata Chowdhury*”.

5. In this background, the petitioner sought correction of the spelling of her surname as well as her mother’s name in the Secondary School Examination records to bring it in line with the certificate issued after the All India Senior School Certificate Examination wherein they were correctly reflected. This was unfortunately being denied to her because of the C.B.S.E. office order dated 16th February, 2015 to the effect that all decisions relating to change in the names on the file since 1st October, 2014 should be suspended on as-is-where-is basis with immediate effect and appropriately reviewed.

6. The writ petition has been filed submitting that unfortunately the petitioner’s father expired on the 23rd of December, 2015. It is

submitted that the petitioner has done the course of D.E. ED. (Teacher Training) from Great Mission Teachers Training Institute in the year 2016-17. It is stated that the said institute has required the above mentioned corrections in the petitioner's Secondary School Examination Certificate. To support her prayer for correction, the petitioner has contended that she has got published in the newspaper "*Veer Arjun*" (Edition 2nd September, 2016) as well as in the newspaper "*Deccan Herald*" (Edition 4th September, 2016) for the correction in her educational documents.

7. The petitioner has also placed reliance on the publication dated 15th October, 2016 in the Gazette of India of the said corrections in her educational documents and for incorporation of the correction of the surname as well as correct name of her mother.

8. The writ petition was filed after approaching the respondents by way of legal notice which was not acceded to by the respondents by the order dated 20th February, 2017.

The same prayer is sought by the petitioner in this writ petition.

9. We find that it is an admitted position that the respondents have correctly reflected the name of the petitioner as well as her mother's name in the documents issued to her after she had successfully completed the All India Senior Secondary School Certificate Examination, 2015. Both the name of the petitioner as well as her mother have been correctly described. There is, therefore, no material dispute to the correct identity of the petitioner so far as mark sheet and

certificate for the year 2015 are concerned.

11. We may note that even the transfer certificate issued by the Eastern Metropolitan Academy to the petitioner at the time when she changed institutions in Kolkata, reflects the correct spelling of her surname.

12. In the peculiar facts and circumstances of the present case, the prayers of the petitioner seeking correction of the spelling of her surname as well as correct name of her mother appear to be justified. The petitioner has been compelled to seek these corrections in view of the error committed in the office of the respondents and not for any other reason.

13. Given the correctness of the certificate issued by the CBSE itself in 2015 in All India School Certificate Examination and its failure to effect the rectification in Secondary School Examination Certificate, it would be appropriate and in the interest of justice to direct the respondent no.3 to forthwith take steps to bring the Grade Sheet cum Certificate of Performance of Secondary School Examination (Session 2011-2013) in line with the certificate issued to the petitioner in the year 2015 after she had undertaken the Senior Secondary Examination, both certificates having been issued by the respondent no.1 itself.

In view of the above , we direct as follows:-

(i) The petitioner shall surrender her Grade Sheet cum Certificate

of Performance of Secondary School Examination (Session 2011-2013) (*against Roll No.6130482*) with the respondent no.3 at the earliest.

(ii) Upon receipt of the original certificate, the respondent no.3 shall proceed to correct the spellings of the surname of the petitioner as well as her mother's name to bring in line with the All India Senior School Examination certificate issued on 25th May, 2015 (Roll No.6626920).

(iii) These corrections shall be effected within a period of four weeks from the date of receipt of the original documents from the petitioner.

This writ petition is allowed in the above terms.

CM No.11085/2017 (Stay)

In view of the judgment passed in the main writ petition, this application does not survive for adjudication and is hereby disposed of.

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ACTING CHIEF JUSTICE

ANU MALHOTRA, J

MAY 08, 2017
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