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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11531/2016 & C.M. No.20154/2017**
POOJA RAWAT

..... Petitioner

Through Mr. Rajat Arora and Mr. Jaypreet
Singh, Advs.

versus

**CENTRAL BOARD OF SECONDARY EDUCATION DELHI AND
ANR**

..... Respondents

Through Mr. Ashok Kumar, Adv for R-1.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **18.07.2017**

The petitioner is seeking a correction in the name of his mother which is appearing in the Class 10th school certificate of the petitioner. Contention is that the name of her mother has been wrongly spelt as Sumita Rawat; it should read as Sunita Rawat. Further averments in the petition disclose that the petitioner had cleared her CBSE examination in the year 2006 and had obtained her passed certificate and mark-sheet; she was promoted to class 11th; she had appeared in class 12th in the same school. The progress report issued by respondent No.2 school reflected the correct spelling of the name of the mother of the petitioner i.e. Sunita Rawat. The petitioner even while applying in the school had submitted the correct spelling of her mother which was Sunita Rawat; this is clear from the School Leaving Certificate granted to the petitioner (Annexure P-4 & Annexure P-5). However due to an oversight, the name of the petitioner's mother was wrongly spelt and typed as Sumita Rawat in

her class 10th and 12th certificates. The details of the discrepancies were not noted by the petitioner due to an oversight. Phonetically the words Sumita and Sunita also sound same; the name of the father of the petitioner was correctly spelt; it was only the name of her mother which was found wrongly spelt. This had come to the knowledge of the petitioner in April, 2016 when she applied for her passport in the Regional Passport Office. Noting this wrong spelling in her name, the petitioner was constrained to move an application seeking a correction in the spelling of the name of her mother which application has not been considered sympathetically by the Department and the Department had rejected her representation vide communication dated 26.05.2016.

Learned counsel for the petitioner has relied upon a judgment of a Coordinate Bench of this Court in Aadarsh Pandey Vs. Central Board of Secondary Education Delhi and Anr in W.P.(C) No.11332/2015 (Annexure P-9). Submission being that in this case also although the objection of the Department was that the application for correction has been filed after the period of limitation prescribed in Byelaw 69.1 (ii) of the CBSE Notification yet noting the facts of that case, that delay had been condoned; the correction in the name of the petitioner's father had been allowed.

The respondent has filed reply. He is contesting these averments. His submission is that the identity of the person in some cases can be jeopardised if such like prayers are allowed. Additional submission being that the mother of the petitioner should have filed her separate affidavit which has not been done in the instant case.

Both these objections do not find mention in the counter affidavit; further submission is that the petitioner had appeared in her class 10th examination in 2006; she has come to the Court in the year 2016 for which there is no explanation. The Byelaws of the Department cannot be given a go-bye. Learned counsel for the respondent has also placed reliance upon catena of judgments reported in Bhagwat Dayal Vs. CBSE & Others in LPA No.783/2010 delivered on 24.01.2011, 2014 (144) DRJ 8 Abhishek Kumar @ Bal Kishan Vs. Union of India and Others, Ms. Jigyada Yadav (Minor) (through Guardian/father Mr. Hari Singh) Vs. Central Board of Secondary Education & Others in W.P.(C) No.3774/2010 delivered on 20.12.2010 as also Aditya Srivastava (Minor) Through Natural Guardian Mother Vs. Central Board of Secondary Education & Anr. in LPA No.41/2017 delivered on 23.01.2017.

This Court notes the contentions and counter contentions of the parties. There is no doubt that the petitioner has approached this Court after a lapse of some years but this is for the reason as explained which to the mind of the Court appears to be justifiable; she had noted the wrong spelling in the name of his mother in her class 10th and 12th certificates in April, 2016 when she had applied for her passport and this was an objection set up by the passport office which had led her to make an application asking for a correction in the spelling of the name of her mother. This Court also notes that in Aadarsh Pandey (Supra), a similar contention had been raised and the objection of the Department/CBSE was that as per the amended Byelaw 69.1 (ii), an application for correction in the certificate in the

record of the CSBI/respondent No.1 can be made only within one year from the date of the declaration of the result; in that case, there was a delay of almost two years; the Coordinate Bench had noted that this mistake appears primarily on account of the mistake committed by the school for which the petitioner should not be faulted with.

Applying the ratio of the aforementioned judgment, this Court is of the view that the spelling mistake which has appeared in the class 10th and class 12th certificates of the petitioner is largely because of the fault of respondent No.2 for which the petitioner cannot be penalized. This Court also notes that the petitioner had learnt about the same only when she applied for her passport. The judgments relied upon by the learned counsel for the respondent are distinct on their facts.

Present petition is allowed. Respondent No.1 is directed to correct the spelling mistake in the name of the mother of the petitioner from Sumita Rawat to Sunita Rawat in the original certificates within a period of four weeks of the surrender of the said document to respondent No.1. It is made clear that this order is passed in the peculiar facts of the instant case and this will not be used as a precedent.

Petition disposed of.

INDERMEET KAUR, J

JULY 18, 2017

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