

\$~16

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

+ W.P.(C) 7129/2017

ADITYA SHARMA

..... Petitioner

Through: Md. Asfar Heyat Warsi, Adv

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through: Mr Atul Kumar, Adv

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.11.2017**

Petitioner seeks a correction in the name of the father in the records of the CBSE/respondent. Submission is that the name of the father of the petitioner is wrongly mentioned as Sanjay Sharma; his name is Sanjeev Kumar Sharma. This amounts to a correction in the records and is permissible.

Counter affidavit has been filed by the respondent. Respondent has placed reliance upon Bye-law 69.1 of the Examination Bye-laws; submission is that such a change is not permissible as it does not amount to a correction but it is a complete change in the name.

Learned counsel for the petitioner placed reliance upon a judgment of a Division Bench of this court reported as **Khushbu Kaushik vs Central Board of Secondary Education**; 2017 SCC

Online Del 8492. Submission is that in that case also name of the father of the petitioner which had been wrongly recorded as Rajesh Kaushik was corrected to read as Rajesh Chandra Kaushik. Submission being that the facts of the instant case are based on the ratio of the aforementioned judgement.

Record shows that the petitioner was admitted in the Rich Harvest Public School, Janakpuri on 24.07.2003. The pet name of the father of the petitioner was Sanjay Sharma. His real name was Sanjeev Kumar Sharma. In the year 2016, the petitioner changed his school and took admission in the Mamta Modern Sr. Sec. School, Vikaspuri. On the petitioner receiving his certificate from the erstwhile school it was noted that the name of his father was wrongly mentioned as Sanjay Sharma; his real name being Sanjeev Kumar Sharma. The erstwhile school made the required changes in its record in the year 2016 itself. The erstwhile school had also written a letter dated 29.09.2016 to the CBSE to make the necessary corrections in their record, however, to no avail. The document filed by the petitioner, particularly, his Birth Certificate reflect the name of the father as Sanjay Sharma. The record of the erstwhile school of the petitioner i.e., Rich Harvest Public School reflecting the name of the father of the petitioner as Sanjay Sharma is also on record. The application sent by the said school to the CBSE seeking a correction in the name of the father of the petitioner from Sanjay Sharma to Sanjeev Kumar Sharma is also a part of the record. The School vide this communication dated 29.06.2016 had informed the CBSE that the name of the father of the Aditya Sharma is Sanjeev Kumar Sharma

and not Sanjay Sharma and the necessary change in his name has been recorded in the records of their school; a prayer was made to the CBSE to make necessary corrections in their records also. The fact that a newspaper publication to the said effect had been made on 29.07.2016 followed by a Gazette publication in month of September 2016 is also a part of the record.

Noting the aforementioned narration of facts, this court is of the view that what the petitioner is seeking is only a correction in the name of his father in the CBSE records. The fact that this application was made within time is also not in dispute. The documents filed by the petitioner substantiate his submission that what the petitioner is seeking being only a correction and not a change in the name of his father; the judgment of *Khushbu Kaushik supra* comes to the aid.

Accordingly, the writ petition is allowed and the respondent is directed to correct the name of the father of the petitioner in their records and the same be read as Sanjeev Kumar Sharma and not Sanjay Sharma.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 17, 2017
SU