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

+ **W.P.(C) 7873/2017**

**MS. ARYA KARIYATIL CHENDAKERA**

..... Petitioner

Through: Mr Swastik Singh, Adv

versus

**CENTRAL BOARD OF SECONDARY EDUCATION DELHI**

..... Respondent

Through: Mr Atul Kumar, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **06.09.2017**

**CM No. 32549/2017 (exemption)**

Exemption is allowed subject to just exceptions. Application disposed of.

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1. Petitioner is seeking a correction in her name, her father's name and her mother's name in the class X marksheet cum certificate issued by CBSE (respondent No.1). The petitioner is currently a student of class XII. The correct names read as under:

- A. Ms.Arya Kariyatil Chendakera (Petitioner)
- B. Sh.Kariyatil Chendakera Deleep Kumar (Father)
- C. Smt.Kavitha Deleep (Mother)

Copies of the Passport and Aadhar Card of the parents of petitioner

have been placed on record.

2. In the record of the respondent No. 1 (CBSE) the names of these persons have been recorded as:

- A. Arya K C
- B. K.C.Dilip
- C. Kavitha Dilip

3. Submission is that in the names of the parents of the petitioner the word “Dilip” has been wrongly spelt, it has been spelt as “Dilip” whereas it should read as “Deleep”. The name of the father of the petitioner has been mentioned as “K.C.Dilip” whereas the full name of the father of the petitioner is “Kariyatil Chendakera Deleep Kumar”. So also in the name of the petitioner, her name has been written in the abbreviated form i.e. “Arya K.C.” it should read as “Arya Kariyatil Chendakera”. Additional submission is that the correct names of the parties have been advertised in an English Newspaper as well in a Hindi Newspaper. Subsequently, the same have also been published in the Gazette of India. Copies of which have been placed on record.

4. On advance notice, learned counsel for respondent No. 1 /CBSE has put in appearance. Submission of learned counsel for respondent no.1 is that these changes cannot be effected as these are not mere spelling mistakes but they are changes in the names. In view of provisions of Rules 69.1 (i) of the Examination Bye-Laws, 1995

such a prayer is prohibited. Learned counsel for respondent No.1 has placed reliance upon a judgment of the Division Bench in LPA No.41/2017 Aditya Srivastava (Minor) through natural guardian mother Vs. Central Board of Secondary Education & Anr. wherein Bye-law 69.1 of the Examination Byelaws, 1995 of the CBSE (25.06.2015) had been examined; the Division Bench had noted that since the change of appellant's name had been carried out after the declaration of the result, his request for change of name in the school records could not be acceded to. Learned counsel for respondent No.1 has heavily relied upon this judgment to substantiate a submission that the prayers made in the present petition cannot be acceded to. It is pointed out that the petitioner had been granted her Class X CBSE result on 28.05.2016. The present application has been made to the respondent school only on 30.5.2017. This delay cannot be condoned. Moreover this application has been filed only before the School and no application till date has been filed before the CBSE.

5. In this context, learned counsel for petitioner points out that application to this effect can only be forwarded to the CBSE through the school which direction has been complied with by the petitioner.

6. This Court is not in agreement with the submissions of the learned counsel for the petitioner. At this stage, it would be useful to

reproduce the Bye Laws as amended vide Notification dated 25.06.2015 and are reproduced hereunder as:

Bye Law 69.1 (i) relates to a change in name.

*“69.1 (i)- Applications regarding changes in name or surname of candidates may be considered, provided that the changes have been admitted by the Court of law and notified in the Government Gazette before the publication of the result of the candidate”*

Bye Law 69.1(ii) relates to a correction in the name.

*“69.1(ii) - Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate’s name/Surname, Father’s name/Mother’s name or Guardian’s name to make it consistent with what is given in the school record or list of candidates (LOC) submitted by the school may be made. Application for correction in name of Candidate/Father’s/Mother’s/Guardian’s name will be considered only within one year of the date of declaration of result provided the application of the candidate is forwarded by the Head of Institution with the requisite attested documents.”*

From the facts placed on record it is evident that what the petitioner is really seeking in the present petition is not a mere correction in name; it is not a correction in spelling errors (factual or typographical). The

school record / admission form dated 26.02.2010 and birth certificate of the petitioner dated 21.08.2000 (part of the record of the school) have been placed before this court. They clearly reflect the names of the petitioner, her father and mother as Arya K C, K.C. Dilip and Kavitha Dilip, respectively. These same names appear in the Class X Marksheet /Certificate issued by the respondent No. 1/ CBSE.

7. This Court notes that the prayer of the petitioner for amendment of names in the Marksheet /Certificate in fact amounts to a change in name as envisaged under Bye-law 69.1 (i), which provides that a request for change in the name can be considered only where the change has been admitted by the Court of law and notified in the government gazette before the declaration of the result of the candidate. It is an admitted position that the date of declaration of the result was declared on 28.05.2016 and that the date of publication of change in name in the gazette of India was 20.05.2017. Since the change in name of the petitioner has been notified in the gazette almost one year after the declaration of the result, her request for change in name in the mark sheet cum certificates has rightly been rejected in terms of the amended bye-law 69.1(i).

8. Applying the ratio laid down in Aditya Srivastava (supra) this Court is of the view that the contentions of the petitioner are untenable and liable to be rejected. Petition is without any merits.

9. Dismissed.

**INDERMEET KAUR, J**

**SEPTEMBER 06, 2017 / SU**

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