

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.3497 of 2018 and
W.M.P.No.4272 of 2018

B.Barath

..Petitioner

vs

- 1.The Assistant Secretary,
Regional Office,
Central Board of Secondary Education,
New No.3, (Old No.1630-A)
J Block, 16th Main Road,
Anna Nagar, (West)
Chennai - 600 040.
- 2.The Controller of Examination,
Central Board of Secondary Examination,
Shiksha Kendra, No.2, Community Centre,
Preet Vihar, New Delhi - 110 092.
- 3.The Principal(46054)
Maharishi School of Excellence,
PT Colony, Pallava Nagar,
Thiruverkadu, Chennai - 600 077.
- 4.The Principal,
Kola Perumal Chetty Vaishnav Senior Secondary School,
815, Kola Perumal School Street,
Periyar EVR Salai, Arumbakkam,
Chennai - 600 106

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to his order dt.15.06.2016 in CBSE/RO(M)/Corrn/REGN/CN/6803/2015, quash the same and direct the first respondent to insert the petitioner's initial 'B' in his X standard grade sheet cum certificate of performance and XII standard mark statement issued by the 2nd respondent.

For Petitioner : M/s.R.Meenal
For Respondents : M/s.G.Nagarajan for R1 & R2

O R D E R

This writ petition has been filed to quash the order of the first respondent dated 15.06.2016 and to direct the first respondent to insert the petitioner's initial 'B' in his X standard Grade Sheet-cum-certificate of performance and XII standard mark statement issued by the 2nd respondent.

2.The learned counsel for the petitioner submitted that in the transfer certificate issued by the 3rd respondent, the name of the petitioner was indicated as 'B.Barath', whereas, in X Standard Grade Sheet cum Certificate of performance and XII Standard mark statement issued by the second respondent, his name was recorded as 'Barath' without any initial. The learned counsel further submitted that the petitioner has submitted a representation to correct the said error committed by the authorities, however, his request has been rejected by the order dated 15.06.2016, which is impugned in this writ petition.

3.Reiterating the averments raised in the counter affidavit, the learned counsel appearing for the respondents 1 and 2 submitted that as per the amended CBSE Examination Bye law 69.1 (ii), the application for correction of name of the candidate/father's/mother's/guardian's name will be considered only within one year of the date of declaration of result and hence, the request of the petitioner was rejected. With reference to the circular issued by the CBSE Board dated 10.11.2017 changing the limitation period for correction of name and date of birth from one year to five years, as mentioned by the petitioner, the learned counsel submitted that the said circular was issued on 10.11.2017, whereas the order impugned in this writ petition came to be passed, prior to the same i.e., on 15.06.2016 and therefore, the same cannot be found fault with.

4.This Court considered the rival submissions and perused the materials placed before it.

5.The documents enclosed in the typed set of papers filed along with this writ petition, particularly, the birth certificate issued by the competent authority, would disclose the name of the petitioner as 'B.Barath', whereas, the initial of the petitioner was omitted to be mentioned in the X standard Grade sheet cum certificate of performance and in the XII standard mark statement issued by the second respondent. When the petitioner approached the authority concerned for correction of the said mistake, his request was rejected by the order impugned in this writ petition. According to the respondents 1 and 2, as per the particulars furnished by the school authorities, the name of the petitioner has been mentioned as such, in the certificate as well as in the mark statement and

hence, they are not at all responsible for the same. Even if there is any error, the same has to be rectified, on filing an application within a period of one year from the date of declaration of result.

6.This Court is of the opinion that when the certificate issued by the Board either at the matriculation examination or at the higher secondary level examination mentioning the date of birth of the student, is invariably accepted as valuable piece of evidence in proof of the date of birth and age of that student throughout his career ahead, the rejection of the request of the petitioner to mention his initial alone in the certificate and the mark statement issued by the second respondent, on the technical ground, cannot be countenanced by this Court.

7.Therefore, the impugned order dated 15.06.2016 passed by the first respondent is set aside and the matter is remitted back to the first respondent for fresh consideration. The petitioner is directed to return the original certificates within a period of two weeks from the date of receipt of a copy of this order. On such return, the respondent authorities shall correct the mistake and issue fresh certificates, after verifying the same with the birth certificate issued by the competent authority, to the petitioner within a period of six weeks thereafter.

8.This writ petition stands allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The Assistant Secretary,
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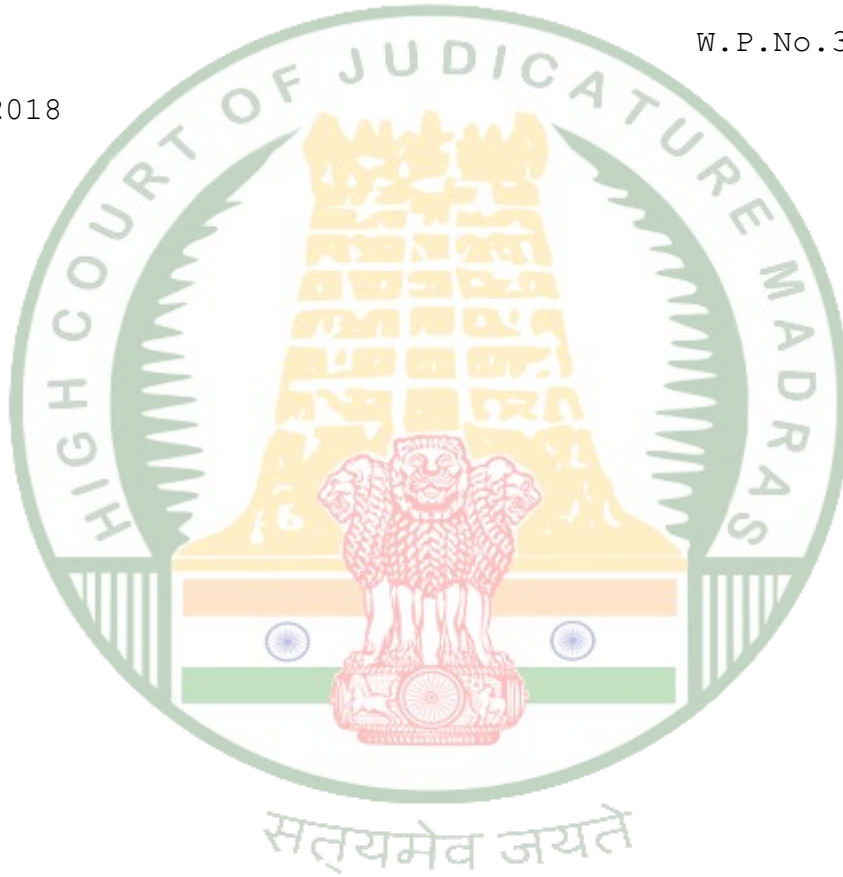
+ 1 cc to M/s.G.Nagarajan Advocate,SR.17685

+ 1 cc to M/s.R.Meenal Advocate,SR.17931

+ 1 cc to The Govt.Pleader, SR.18469

W.P.No.3497 of 2018

nr 09/04/2018



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