

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

276

CWP No.11315 of 2018

Date of Decision:30.07.2018

Vanika

....petitioner

Versus

Central Board of Secondary Education and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Puneet Kansal, Advocate
for the petitioner

Mr.N.K.Setia, Advocate
Panel Counsel for respondents No.1 and 2

RAKESH KUMAR JAIN, J. (ORAL):

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 07.11.2017 by which the Central Board of Secondary Education (for short “CBSE”) has rejected the application of the petitioner in which she had prayed for adding her surname “Kansal” to the names of her parents in the Details Marks Certificate/Grade Sheet cum Certificate of Performance of Class X.

In brief, the petitioner was born on 17.07.2001 to Sh.Rupender Kansal and Smt.Shilpa Kansal. She has passed Class X from Oxford School at Moga which is affiliated to CBSE. In the certificate/Details Marks Certificate of Class X, issued by the CBSE, the names of her parents are mentioned as Rupender and Shilpa, whereas their names in the Aadhar Card are mentioned as Rupender Kansal and Shilpa Kansal. In the birth certificate of the petitioner also her parents' name is Rupender Kansal and Shilpa Kansal. Due to the anomaly in the DMC issued by the CBSE, which may keep on occurring time and again, during the course of her education,

as she is currently studying in Class XII in D.N.Model Senior Secondary School at Moga, the petitioner has made a request to the CBSE for necessary insertion of the surname with the names of her parents in the DMC issued to her. The said prayer has been rejected by the impugned order dated 07.11.2017 without giving any reason.

Learned counsel for the respondents has submitted that as per amended rule 69.1(i) of the CBSE Examination Bye Laws, the change in the name or surname of candidates may be considered, provided 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. However, he has not denied that the parents of the petitioner have filed their respective affidavits in which they have stated that they have not incurred any civil or criminal liability with the solitary name of Rupender and Shilpa, to which they wanted to add their surname.

I have heard learned counsel for the parties, perused the record and am of the considered opinion that though Rule 69.1(i) of the Examination Bye laws provide that the change in the name or surname of the candidate can be considered but it could only be before the publication of the result of the candidate, yet, in the given facts and circumstances, wherein the petitioner is just a class XII student and had only passed Class X examination conducted by CBSE and has to go a long way in her academic career in which she may face this kind of difficulty about the discrepancy in the name of her parents mentioned in the DMC vis-a-vis, their other statutory documents of identification like Aadhar Card and Birth Certificate, therefore, in order to remove this anomaly, I am of the

considered opinion that the prayer made by the petitioner deserves to be accepted. Consequently, the impugned order dated 07.11.2017 is set aside. A direction is issued to the CBSE to issue DMC of Class X to the petitioner by adding surname “Kansal” to the names of her parents, within a period of 15 days from the date of receipt of the certified copy of this order.

30.07.2018

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(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes.
Yes/No