

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 04.10.2018****CWP No.14369 of 2017 (O&M)**

Divyanshu

...Petitioner

Vs.

Central Board of Secondary Education & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. U.K.Agnihotri, Advocate,
for the petitioner.Mr. Aseem Aggarwal, Advocate,
for respondents No.1 to 3.**RAJIV NARAIN RAINA, J. (ORAL)**

1. By way of this petition filed under Articles 226 & 227 of the Constitution, the petitioner seeks a writ in the nature of certiorari quashing the order dated 18.05.2017 (Annex P-1), whereby his request for correction of his mother's name in the certificate/s issued for Secondary School Examination (10th) has been declined. He also prays for a writ of mandamus directing the respondents to make necessary correction in respect of his mother's name i.e. from 'Banto Devi' to 'Manti Devi'.

2. Today, CM No.14953 of 2018 for placing on record affidavit of Manti Devi, mother of the petitioner, is also listed for hearing. In the affidavit, the deponent has sworn and deposed as follows:

"4. That it is submitted that the actual name of the deponent, mother of the petitioner, is Manti Devi. In fact Manti Devi and Banto Devi as mentioned in the certificate Ann. P-5 is the one and same

person. The petitioner or his mother has never derived any benefit by using the name of the deponent, mother of the petitioner as Banto Devi. It is also submitted that there is no civil or criminal case pending in any court of law or any litigation in any manner before any authority in the name of Manti Devi and/or Banto Devi. The name of mother of petitioner has been wrongly and mistakenly mentioned as Banto Devi in the matriculation certificate Ann. P-5 instead of her actual name Manti Devi. The discrepancy in the name of mother of the petitioner as mentioned in the Matriculation certificate Ann.P-5 has caused acute problems and difficulties for the petitioner for the entire future and therefore the name of the mother of the petitioner in the Matriculation certificate Ann.P-5 deserves to be corrected as Manti Devi. The petitioner and deponent also undertake that they will not derive any benefit in any manner whatsoever using the name of mother of petitioner as Banto Devi. Therefore, the necessary correction as sought in the writ petition in the name of the mother of petitioner deserves to be made in the interest of justice.”

3. In support of his case, the petitioner has also annexed photocopy of Aadhar Card of his mother, school leaving certificate etc.

4. In view of the contents of the affidavit reproduced above as well as the documents annexed with the writ petition, the learned counsel for the respondents states that CBSE has no objection to carry out the necessary correction, as now CBSE is rendered safe.

5. Accordingly, this petition and the application for placing on record are allowed. The respondents are directed to make necessary corrections in their record and issue fresh certificate/s to the petitioner after incorporating the correct mother’s name within seven days on return of the old original certificates.

6. The CBSE while issuing fresh/corrected educational certificate will record in the certificates that *‘the correction in respect of mother’s*

name is as per the orders of the Punjab & Haryana High Court in CWP No.14369 of 2017’.

04.10.2018

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>