

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

CWP No.13314 of 2018(O&M)

Date of Decision: 05.12.2018

Mukul Bansal

.....Petitioner

Versus

Central Board of Secondary Education & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Amit Goyal, Advocate for the petitioner.

Mr. Naveen Chopra, Advocate for CBSE.

TEJINDER SINGH DHINDSA J.

Mukul Bansal (minor) has filed the instant petition through his father and natural guardian assailing order dated 04.1.2018 (Annexure P-5) issued by the Central Board of Secondary Education, declining his request for correction of the name of his mother in the matriculation certificate from Madhu Bansal to Madhu Bala.

Brief facts of the case are that the petitioner was a student of Sacred Heart Convent School, Barnala and appeared in the 10th class examination in the year 2017. Petitioner having qualified the 10th class examination received the Matriculation Detailed Marks Certificate issued by Central Board of Secondary Education dated 03.06.2017, wherein name of the mother of the petitioner was mentioned as Madhu Bansal instead of Madhu Bala. Father of the petitioner immediately took up the matter with the school i.e. Sacred Heart Convent School, Barnala, seeking the necessary correction in the matriculation certificate alongwith supporting documents. Principal of Sacred Heart Convent School,

Barnala thereafter forwarded the request for correction of name of the mother of the petitioner to the Regional Office of Central Board for Secondary Education, Sector-5, Panchkula vide communication dated 09.10.2017 (Annexure P-4) alongwith the requisite supporting documents. However, the Section Officer, Correction Cell (CBSE), has rejected the request for correction that had been routed through the school of the petitioner for the following reasons:-

“In the instant case the school record does not support the desired correction”.

It is against such brief factual backdrop that the instant writ petition has been filed seeking directions to the respondent-Central Board of Secondary Education to carry out the necessary correction and to issue a fresh certificate of 10th class by incorporating the name of the mother of the petitioner as Madhu Bala instead of Madhu Bansal.

Learned counsel for the parties have been heard at length and case paper-book has been perused.

Mr. Naveen Chopra, learned counsel representing the respondent-Central Board of Secondary Education, has adverted to the examination byelaws framed by Central Board of Secondary Education in support of the passing of the impugned order dated 04.01.2018 (Annexure P-5).

Rule 69.1(ii) relied upon by learned counsel is reproduced hereunder:-

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 following attested documents:-

a) True Copy of Admission form(s) filled in by the parents at the time of admission duly attested by the Head of the concerned institution.

b) True copy of the School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution.

c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.

In the considered view of this Court, the decision of Central Board of Secondary Education, declining the request of the petitioner for correction of the name of his mother in the matriculation certificate cannot sustain.

Placed on record at Annexure P-2 (colly) are various documents wherein name of the mother of the petitioner is reflected as Madhu Bala. These documents are in the nature of Aadhar Card, the Detailed Marks Certificate, issued by the Himachal Pradesh Board of School Education of the matriculation examination, which mother of the petitioner had qualified in March 1989 and wherein her name is mentioned as Madhu Bala. Furthermore, even the birth certificate of the

petitioner-Mukul Bansal issued by the Department of Health and Family Welfare, Government of Himachal Pradesh, mentions the name of his mother as Madhu Bala.

Petitioner is a minor and at the threshold of his career. It goes without saying that he would go for further studies and thereafter even explore avenues of employment. He is only seeking the correction of the name of his mother. The correct name of the mother of the petitioner i.e. Madhu Bala, would be required while filling up admission forms in colleges and in other institutions for higher studies, for issuance of passport, visas, competitive examination forms and various other miscellaneous matters. Once the petitioner-school has sent the request to CBSE on 9.10.2017 (Annexure-P4) alongwith all relevant document, such application ought not to have been dismissed by respondent-CBSE only on the ground that information supplied now by the school does not tally with the information supplied earlier when the examination form was sent.

It may also be taken note of that in pursuance to an order dated 25.05.2018 passed by this Court, mother of the petitioner has even filed and placed on record an affidavit deposing therein that she has not incurred any civil or criminal liability with the name of Madhu Bansal.

Under identical circumstances a Coordinate Bench of this Court has already taken a view in favour of the petitioner therein and against the Central Board of School Education while deciding ***CWP No.8973 of 2015 Rishabh Jhamb minor Vs. Central Board of School Education and others 2015 (12) SCT 607.***

In view of the above, present writ petition is allowed.

Impugned order dated 04.01.2018 (Annexure P-5) issued by Central

Board of Secondary Education is set aside. Directions are issued to Central Board of Secondary Education, to make the necessary correction in the certificate/DMC of class 10th of the petitioner by incorporating name of the mother as Madhu Bala instead of Madhu Bansal, within a period of one month from the date of receipt of certified copy of this order.

(TEJINDER SINGH DHINDSA)
JUDGE

December 05, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No