

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1709 of 2017 (O&M)

Date of Decision: 25.09.2018

Kishore Sharma and another

... Petitioners

Versus

Central Board of Secondary Education
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jatin Salwan, Advocate,
for the petitioners.

Mr. Nitin Kant Setia, Advocate and
Mr. Aseem Aggarwal, Advocate,
for the respondent-CBSE.

Mr. Amit Rao, Advocate,
for respondent No.2.

Mr. Manjeet Jeji, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioners have approached this Court for a direction to the Central Board of Secondary Education (CBSE) to add their surname i.e. 'Adhikari' to their name in the certificates issued by them.
2. Today, CM No.14398 of 2018 for placing on record affidavit of on behalf of the petitioners, is also listed for hearing. The deponent has sworn and deposed in the affidavit as follows:

"1. That the deponent has filed the above captioned writ petition on his behalf as well as on behalf of his sister namely Shilpa seeking direction for correction in the certificate by adding their sub caste/surname, the writ petitioner is pending adjudication in this Hon'ble

Court and is now fixed for 25.09.2018.

2. *That the sub caste/surname of the deponent as well as his sister are Adhikari. That in the certificate the name of the deponent has been recorded as :*

a. *Kishore Sharma s/o Keshav Sharma R/o. Shri Pashupati Nath Mandir, Sector 22, NIT, Faridabad-121005.*

And the changed name of the deponent will be:

Kishore Sharma Adhikari s/o Keshav Sharma R/o. Shri Pashupati Nath Mandir, Sector 22, NIT, Faridabad-121005.

b. *And the name of the co-petitioner (Sister of the deponent) which has been recorded in the certificate is Shilpa D/o. Keshav Sharma R/o. Shri Pashupati Nath Mandir, Sector 22, NIT, Faridabad-121005.*

And the changed name of the co-petitioner will be:

Shilpa Adhikari D/o Keshav Sharma R/o. Shri Pashupati Nath Mandir, Sector 22, NIT, Faridabad-121005.

3. *That Kishore Sharma as well as Kishore Sharma Adhikari is the same person similarly Shipla as well as Shilpa Adhikari is same person. No litigation civil as well as criminal is pending against them."*

3. To support their case, the petitioners also annexed Gazette Notification (Annex P-6).

4. In view of the contents of the affidavit reproduced above as well as the document 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 and harmless in view of depositions in the affidavit.

5. Accordingly, this petition as well as the application for placing on record the affidavit is allowed. The respondent-CBSE is directed to issue

fresh certificates to the petitioners after incorporating their surname 'Adhikari' within seven days on return of the old original certificates.

6. The CBSE while issuing fresh/corrected certificates will record in the certificates that '*the correction in respect of adding of surname is as per orders of the Punjab & Haryana High Court in CWP No.1709 of 2017*'.

(RAJIV NARAIN RAINA)
JUDGE

25.09.2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No