

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 08.10.2018****CWP No.19013 of 2017 (O&M)**

Himanshu Kansal (minor) through her mother Savarana Devi

...Petitioner

Vs.

Regional Secretary, Central Board of Secondary Education & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Tanvi Jain, Advocate, for the petitioner.

Mr. Aseem Aggarwal, Advocate, for the CBSE.

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 19.04.2017 (Annex P-6), whereby his request for correction of his mother's name in the certificate/s issued for Secondary School Examination (10th) and Senior Secondary School Examination (10+2) 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 'Neha Kansal' to 'Savarana Devi'.

2. Today, CM No.14996 of 2018 for placing on record affidavit of Savarana Devi, mother of the petitioner, is also listed for hearing. In the affidavit, the deponent has sworn and deposed as follows:

- “1. That the deponent is also called by name Neha Kansal being her nick name and therefore the deponent-Savarana Devi and Neha Kansal are the one person.
 2. That the name of the deponent is Savarana Devi, but in the matriculation certificate and class 12th certificates of the petitioner it is mentioned as Neha Kansal which is also the name of the mother of the petitioner/applicant. Neha Kansal is the nick name of the deponent and known by both the names in the society. The mother of the petitioner has also published this in a two language news papers in the locality. The copy of the newspapers is attached with the CM 8524-CWP/2018 moved by the petitioner as Annexure A-2 (colly).
 3. That no criminal case is either ever filed against the deponent nor any criminal case is pending against the deponent in above said names of the deponent. The deponent has never used her name for illegal purposes and has never engaged in any criminal proceedings till today.
 4. That the petitioner – son of the deponent has passed his 12th and now want to pursue his career by taking admission in medical course, but he is facing difficulty during ht ecounseling process. Moreover the son of the deponent wishes to go to abroad for his higher studies also.”
3. In support of his case, the petitioner has also annexed photocopies of Aadhar Card of his mother and Birth Certificate.
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/s 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.19013 of 2017*'.

7. Since main petition has been allowed, no orders are called for in CM No.8524 of 2018.

08.10.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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