

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.09.2018****CWP No.19705 of 2017**

Anshu

...Petitioner

Vs.

Central Board of Secondary Education & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Sandeep Kumar, Advocate,
for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

By way of this petition filed under Articles 226 of the Constitution, the petitioner seeks a writ in the nature of mandamus directing respondents No.1 & 2 to make necessary corrections in the name of petitioner's father i.e. from 'Brij Mohan Sachdeva' to 'Sunil Pathak'.

In brief, the petitioner passed her 10th Class from Kamla Nehru Public School, Phagwara in the year 2013 and 10+2 from Government Model Senior Secondary School, Sector-16, Chandigarh in 2015. Both the schools were affiliated to the Central Board of Secondary Education. It is averred that due to inadvertence, her father's name was entered in school record as 'Brij Mohan Sachdeva', who is her step-father. However, her biological father's name is 'Sunil Pathak' who died on 20.01.2004 and after the death of her biological father, her mother married Brij Mohan Sachdeva on 21.10.2011. Since in the school record, her father's name was entered as

‘Brij Mohan Sachdeva’ (step-father), the same was mentioned in the certificates issued for Secondary School Examination and Senior School Certificate Examination. Petitioner avers that in other documents i.e. her Birth Certificate, Passport & Aadhar Card, her father’s name is recorded as ‘Sunil Pathak’. In this regard, the petitioner made an application dated 20.07.2016 to respondent No.3 along with all the required documents. The application was forwarded by respondent No.3 to the office of the respondent No.2 on 06.12.2016. Thereafter, other requisite documents, as required by respondent No.2 vide letter dated 13.02.2017, were submitted on 22.05.2017.

Petitioner relied on a judgment of this Court in CWP No.6204 of 2016 titled ‘Divya Jyoti Vs. Central Board of Secondary Education & others’ decided on 14.02.2017 to claim relief.

Issue notice of motion to respondents No.1 & 2 only.

Mr. Aseem Aggarwal, Advocate, who is present in Court, accepts notice on behalf of respondents No.1 & 2 and waives service on them.

Today, the petitioner has tendered her duly sworn affidavit dated 07.09.2018, which is ordered to be taken on record. In the affidavit, the petitioner deposes as follows:

“3. That the name of the biological father of the deponent is Late Shri Sunil Pathak, who expired on 20.01.2004 and after the death of her biological father, her mother re-married with Shri Brij Mohan Sachdeva on 21.10.2011 and because of this in the school record her father’s name was entered as Brij Mohan (step father) accordingly the same was filled up in the examination form of CBSE of Class 10th and class 10+2, however, in rest of the documents i.e. Birth Certificate, Passport and Aadhar Card her father’s name is mentioned as Sunil Pathak (biological father).

4. That as per the Rule 68 of the Examination Bye-Laws of 1995 clearly stated that in no case the name of guardian be mentioned if the names of either or both of the parents are known. The said Rule is reproduced below for the kind consideration of this Hon'ble Court:

“The candidates (who are orphans) will have the option to mention the guardian's name in the records of the Board (Certificate, Marks Statement etc.). In no case will the name of guardian be mentioned if the names of either or both of the parents are known.”

5. That the deponent wants to change the name of father in DMC of Class 10th and Class 10+2 from Brij Mohan (step father) to Sunil Pathak (biological father), and the above said Rule 68 of the Examination Bye-Laws of 1995 clearly permits the deponent to do so. It is pertinent to mention here that this Hon'ble Court vide its order dated 14.02.2017 in CWP No.6204 of 2016 titled as 'Divya Jyoti Vs. Central Board of Secondary Education & others' has allowed the writ petition and directed the respondent Board to make the necessary corrections and to issue fresh certificates after incorporating the name of biological father instead of the name of step father.

6. That the deponent further undertakes that she will never ever apply for the change of father's name in future and the name of Sunil Pathak (biological father) be corrected in DMC of class 10th and class 10+2 in place of Brij Mohan (step father).”

In view of the contents of the affidavit reproduced above as well as the documents annexed with the writ petition, learned counsel representing the CBSE has no objection to carry out the necessary correction, if CBSE is rendered safe and harmless in view of deposition made in the affidavit in support of the claim.

Accordingly, this petition is allowed. The respondent-CBSE is directed to issue fresh certificates in respect of Secondary School Examination (10th) and Senior School Examination (10+2) to the petitioner

after incorporating her biological father's name as prayed and deposed to in the aforesaid affidavit, and to do so within seven days of return of the old original certificates to the respondent Board in exchange for new ones.

The CBSE while issuing fresh/corrected educational certificates may record in the certificates that '*the correction in respect of biological father's name is as per orders of the Punjab & Haryana High Court in CWP No.19705 of 2017*'.

20.09.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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