

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.09.2018****CWP No.23270 of 2017 (O&M)**

Shikha Khaneja

...Petitioner

Vs.

Central Board of Secondary Education & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. R.K.Arora, Advocate,
for the petitioner.Mr. Aseem Aggarwal, Advocate,
for the respondents.**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 29.05.2017 (Annex P-11), whereby her request moved through DAV Public School, 23-B Bhupindra Road, Patiala, for correction/change of parents' name in the certificates issued for Secondary School Examination and Senior School Examination has been declined by the Central Board of Secondary Education (CBSE). She also prays for a direction to the CBSE to make necessary corrections in the name of petitioner's father i.e. from 'Ram Saran Khaneja' to 'Ram Sharan Khaneja' and mother's name i.e. from 'Sarita Khaneja' to 'Vipin Kumari Khaneja'.

2. Today, CM No.13901 of 2018 for placing on record affidavits of Ram Sharan Khaneja and Vipin Kumari Khaneja, the parents of the

petitioner, is also listed for hearing. In the separate affidavits, the father and mother of the petitioner have deposed as follows:

Ram Sharan Khaneja-deponent (father of the petitioner)

- “2. That the deponent is father of the petitioner whose name is ‘Ram Sharan Khaneja’. However, in the certificates of Matriculation and 10+2 issued by the CBSE to her daughter, namely, Shikha Khaneja, her father’s name is incorrectly spelled as ‘Ram Saran Khaneja’. This is a typing/spelling mistake. Even at the time of filling up the Admission Form, the name of the father was correctly written/spelled as ‘Ram Sharan Khaneja’. The Aadhar Card and Passport of the deponent is annexed herewith.
3. That the deponent further declares that ‘Ram Sharan Khaneja’ and ‘Ram Saran Khaneja’ is one and the same person and there is no criminal liability/criminal case pending against the deponent in respect of his either of name.”

Vipin Kumari Khaneja-deponent (mother of the petitioner)

- “2. That the deponent is mother of petitioner whose name was ‘Vipin Kumari’ before her marriage. The marriage of deponent was solemnized in February, 1992. After marriage, name of the mother of the petitioner was changed by her in-laws as ‘Sarita Khaneja’. The deponent was not aware about the future complications. However, while filling-up school Admission Form of the petitioner, deponent had written her name as ‘Sarita Khaneja’, whereas she had signed on the form as ‘Vipin Kumari’. This mistake was not noticed by the petitioner at that stage because she was minor and the same was also ignored by the School Authorities.
3. That the deponent has declared and changed her name from ‘Sarita Khaneja’ to ‘Vipin Kumari Khaneja’ vide newspaper publication dated 19.04.2017 in two different newspapers (P-5 & P-6). In the Aadhar Card

and Passport of the deponent, her name has been mentioned as 'Vipin Kumari Khaneja' D/o Sh. Sardari Lal W/o Sh. Ram Sharan Khaneja.

4. That the deponent declares that 'Sarita Khaneja' and 'Vipin Kumari Khaneja' is one and the same person i.e. D/o Sh. Sardari Lal W/o Sh. Ram Sharan Khaneja and mother of the petitioner. There is no criminal liability/criminal case pending against the deponent in respect of her either of name."

3. To support her case, the petitioner has also annexed copy of Passport (Annex P-12) and copy of Grade Card issued by Himachal Pradesh University (Annex P-13) which carries the correct names of the parents as is sought in this petition.

4. In view of the contents of the affidavits 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 depositions made in the affidavits in support of the claim.

5. Accordingly, while setting aside the impugned order dated 29.05.2017, this petition as well as the application for placing on record the affidavits are 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 parents name as prayed and deposed to in the aforesaid affidavits, and to do so within seven days of return of the old original certificates to the respondent Board in exchange for new ones.

6. The CBSE while issuing fresh/corrected educational certificates will record in the certificates that '*the correction in respect of parents name*

is as per orders of the Punjab & Haryana High Court in CWP No.23270 of 2017'.

17.09.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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