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

**CWP No.24601 of 2017
Date of decision:17.08.2018**

Amritpal Singh ...Petitioner

Versus

Central Board of Secondary Education and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Aminder Pratap Singh, Advocate, for
Mr. Gurnam Singh, Advocate, for the petitioner.

Mr. Kannan Malik, Advocate,
for respondents no.1 and 2.

Mr. D.S.Nalwa, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

The petitioner is a minor who has filed this petition through his mother as his natural guardian for seeking a direction to the respondents to correct his mother's name in his Matriculation certificate.

In brief, the marriage of Manmeet Singh and Gurvinder Kaur was solemnized on 27.11.1992 and the petitioner was born out of their wedlock on 26.03.2000. His father Manmeet Singh has allegedly developed illicit relations with Sonia @ Moninder Kaur. He got married to her during the subsistence of his earlier marriage with Gurvinder Kaur, mother of the petitioner. Mother of the petitioner got registered one FIR No.47 dated 05.05.2015, under Sections 419/494/120-B IPC at Police Station Sadar Sunam, District Sangrur against Manmeet Singh and Moninder Kaur, in which the said Moninder Kaur has been declared a proclaimed offender on 05.05.2017. Unfortunately, Manmeet

Singh died on 06.11.2016 at PGIMER, Chandigarh. However, father of the petitioner got the name of Moninder Kaur recorded as his mother in the school record of the petitioner, which was duly reflected by respondent no.2 in his Matriculation certificate, whereas petitioner's biological mother is Gurvinder Kaur. The petitioner has, thus, prayed for a direction to the respondents for making necessary correction in his Matriculation certificate by replacing his mother's name from Moninder Kaur to Gurvinder Kaur.

Counsel for respondent no.3-school has not raised any objection in this regard.

In support of his contention, counsel for the petitioner has relied upon a decision of this Court rendered in the case of **Divya Jyoti vs. Central Board of Secondary Education and others**, CWP No.6204 of 2016, decided on 14.02.2017, in which this Court had referred to Rule 68 of the Examination Bye-Laws of 1995, in which it is provided that *“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 the parents are known”*. It is submitted that the petitioner was born out of the wedlock of Manmeet Singh and Gurvinder Kaur and not out of the wedlock of Manmeet Singh and Moninder Kaur. It is, thus, submitted that the name of Moninder Kaur was wrongly mentioned in his Matriculation certificate and in order to support his submission, he has referred to the birth certificate of the petitioner dated 15.05.2017, in which father's name of the petitioner is mentioned as Manmeet Singh and mother's name as Gurvinder Kaur.

No meaningful argument has been raised by the counsel for

respondents no.1 and 2 to contest this petition, which is based upon the facts brought on record by the petitioner in order to show that his mother Gurvinder Kaur was married to Manmeet Singh and he is the son of Manmeet Singh and Gurvinder Kaur.

In view of the above, the present petition is hereby allowed and respondents no.1 and 2 are directed to carry out necessary correction(s) in their records and issue a fresh Matriculation certificate to the petitioner bearing his mother's name as "Gurvinder Kaur" instead of Moninder Kaur. Respondent no.3 is also directed to correct its records to the aforesaid effect.

August 17, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No