

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

CWP No.642 of 2017 (O&M)

Date of Decision:24.9.2018

Aarti

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

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

Present: Mr.Vinod Khunger, Advocate for the petitioner

Mr.Aseem Aggarwal and
Mr.N.K.Setia, Advocate for respondents

...

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner has approached this Court for a direction to the respondents-Central Board of Secondary Education for changing the the name of the step-mother, “Jyoti Mehta” by the name of her biological mother “Sunita Rani” in her Secondary School Examination Certificate (Annex. P-5). The request has been rejected by the respondents by citing bar of limitation of one year.

2. Today in CWP No.13262 of 2017 (Rekha vs. Central Board of Secondary Education and others) the respondent-CBSE has brought on record a Circular dated 10th November, 2017 with regard to change in limitation period of cases pertaining to correction in name of candidate’s mother, father and date of birth from one year to five year. Learned counsel for the CBSE informs this Court that it is not a case of incorrect name since the Bye-laws of the Board recognises both the step and biological parents. In this view of the matter, in the present case, the impediment with regard to limitation of one year has been removed.

3. To support her case, the petitioner also annexed copy of Birth Certificate wherein the name of her biological mother is mentioned.

4. In view of the above, this petition is allowed. The respondent-CBSE is directed to issue fresh certificates in respect of Secondary School Examination (10th) to the petitioner after changing the name of her step-mother “Jyoti Mehta” by incorporating the name of her biological mother “Sunita Rani”. The fresh certificates be delivered upon return of old certificates to the CBSE. The necessary exercise be completed within fortnight from the date of receipt of a certificate copy of this order.

5. Needless to say that the CBSE while issuing fresh/corrected educational certificates will record in the certificates that ‘*the correction in respect of the father’s name is as per orders of the Punjab & Haryana High Court in CWP No.642 of 2017*’.

24.9.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No