

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 3rd December, 2018

+ W.P.(C) 3766/2018 & CM APPL. 14943/2018

SHANKEY CHOUDHARY BALIYAN Petitioner

Through: Mr. Suresh Chand, Adv.

versus

THE DIRECTOR OFFICE OF CTET/JNVST/ME
CENTRAL BOARD OF SECONDARY EDUCATION
(CTET) Respondent

Through: Mr. Amit Bansal and Ms. Seema
Dolo, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

%

03.12.2018

1. The petitioner passed his 10th Standard Examination on 26th May, 2005, his 12th Standard Examination in 25th May, 2007 and graduate from the University of Delhi, in 2010. Thereafter, he completed his B.Ed Course in 2016 from the CCS University, Meerut. In July, 2016, the petitioner applied, with the Respondent-CBSE for permission to undertake the Central Teachers' Eligibility Test (CTET), whereafter he appeared in the examination on 18th September, 2016. In the CTET certificate issued by the CBSE on 7th November, 2016, the name of the petitioner was shown as "Shankey", the name of his father was shown as "Choudhary" and the name of his mother was shown as "Baliyan".

2. The case of the petitioner is that, actually, the petitioner's name was "Shankey Choudhary Baliayan" where as the names of his father and mother are as "Sehdev Singh" and Urmila Choudhary" respectively.

3. The petitioner, accordingly, submitted an application, on 9th November, 2018, for correction of his name, as well as the names of his father and mother, as entered in the CTET certificates issued by the CBSE. No response being forthcoming from the CBSE to the said application, the petitioner has moved this Court.

4. The counter affidavit of the CBSE, even while admitting, fairly, that it was a "genuine mistake" on its part, seeks, nevertheless, to contest, the case of the petitioner by relying on Clause 15.1 in Appendix-IV of the Bulletin of Information issued for the CTET, which stipulates that requests to change/correction in any particulars of the conformation page would not be entertained any circumstances except during the window period provided for applying for such corrections. Inasmuch as the petitioner has not applied for the said correction during the said period, the CBSE seeks to submit that the prayer of the petitioner cannot be granted.

5. The issue is not *res integra*, as a similar dispute stands adjudicated, by a co-ordinate bench of this Court *vide* judgment dated 19th July, 2018, in W P (C) 4516/2018 (Sushama v. CBSE), Paras 9 to 15 of the said decision read thus :

“9. However, this Court’s attention has been invited to the Clause 15.1 of the Appendix IV of the Bulletin of Information issued for the CTET, 2016, wherein it is provided that request for change/correction in any particulars, in the confirmation page, shall not be entertained under any circumstances except, during the period permitted to make online correction. The Board will further, not be responsible for any consequences arising out of non-acceptance of any correction/ addition/ deletion in any particular, once filled in the application form, whatsoever the reasons may be.

10. Learned counsel appearing for the CBSE further urges that, since the change as prayed for, by the petitioner, was not sought during the time stipulated therein, the same cannot now be done.

11. In this behalf, it is observed that the correction of genuine mistakes, which are occasioned by inadvertence on the part of the parties cannot disentitle the affected party from seeking a correction if they are disadvantaged thereby.

12. In this behalf, it is observed that the petitioner does not seek any addition, alteration, deletion or substitution of any particulars in the CTET Eligibility Certificate, contrary to the certificates issued hitherto by other statutory bodies but seeks correction in the CTET Eligibility Certificate, only to the extent that they are in consonance with the details already specified in the record of the certificates previously issued.

13. In this view of the matter, the writ petition is allowed.

14. The present petition is disposed of with a direction to the CBSE to make the required correction and reflect the petitioner’s father’s name, namely, Sh. Ajit Singh in the column of father’s name and her mother’s name, namely, Smt. Suman Devi in the column of mother’s name, respectively, in the CTET Eligibility Certificate.

15. The petitioner is, however, directed to surrender the original CTET Eligibility Certificate to the CBSE to enable the latter to carry out the above corrections.”

6. Respectfully following the above precedent, this present writ

petition is allowed. The CBSE is directed to carry out the requisite corrections in the CTET certificate by reflecting the petitioner's name as "Shankey Choudhary Baliayan" as well as the names of his father and her mother, shown as "Sehdev Singh" and Urmila Choudhary".

7. The petitioner is directed to surrender the original Central Teachers' Eligibility Test (CTET) certificate to the CBSE in order to enable it to carry out the requisite corrections.

8. The writ petition is allowed with no orders as to costs.

C. HARI SHANKAR, J

DECEMBER 03, 2018

bh