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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 10.07.2018

W.P.(C) 3288/2017 & CM APPL.14326/2017

MOHD. ANAS MALIK

..... Petitioner

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION & ANR.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Akhlak Ali, Advocate

For the Respondents : Mr. Amit Bansal and Ms. Seema Dolo, Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India instituted on behalf of the petitioner prays as follows:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to:

Set aside the letter bearing case No.AI-452/16 dated 22.02.2017 issued by respondent No.1 to respondent No.2 refusing the correction of the factual error as well as typographical error in the name of the petitioner and correction of spelling error, factual typographical error in the name of the father of the petitioner in the certificate/ documents of Secondary School Examination/Class X issued by respondent No.1 to the petitioner.

Direct the respondent No.1 to correct the factual typographical error in the name of the petitioner as well as spelling error and factual typographical error in the father's name of the petitioner in the certificate/ documents of Secondary School Examination/ class X issued by respondent No.1, to make it consistent with the record of school of respondent No.2 school.

Direct the respondent No.1 to prefix the word Mohd. before the name of petitioner making it Mohd. Anas Malik from Anas Malik.

Direct the respondent No.1 to correct the spelling error in the name of father of the petitioner replacing the word J with Z and consequently making it Sarfaraz from Sarfaraj and further direct the respondent No.1 to suffix the word Alam after the name of father of the petitioner making it Sarfaraz Alam from Sarfaraj.

Pass such order or further orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The facts as are relevant for the adjudication of the present petition are as follows:-

- (a) On 01.04.2016, the petitioner applied to the respondent No.2 school for admission in Class-I, under the name '*Anas Malik, son of Mr. Sarfaraj*'.

- (b) On 28.05.2016, the petitioner was declared successful in the completion of Secondary School Examination (Session 2014-16).
- (c) The petitioner predicated on his assertion that his, as well as, his father's name was incorrectly recorded in the Class-X examination certificate issued by the respondent No.1/CBSE, thereafter approached the respondent No.2 school for correction of the error.
- (d) The respondent No.2 school, unilaterally made modification on the original admission form qua the petitioner on 14.02.2017.
- (e) Predicated on the *ex post facto* correction carried out by the school, as aforesaid, the petitioner sought correction in the Class-X certificate, issued to him by the respondent No.1/CBSE.

3. Learned counsel appearing on behalf of the petitioner states that the documents annexed to the present petition clearly reflect that the petitioner's name in the school records was mentioned as '*Mohd. Anas Malik*' and that of his father's as '*Sarfaraz Alam*'.

4. Learned counsel appearing on behalf of respondent No.2/CBSE

submits that any change in the name/date of birth, recorded in the Class-X certificate, issued on behalf of respondent No.2/CBSE, has far reaching implications and cannot be effected without following due process of law.

5. In this behalf, it is asserted on behalf of respondent No.2/CBSE that in relation to the student's admit card, results and certificates, the same are issued by the respondent No.2/CBSE, on the information maintained by the subject school and only spelling and typographical errors may be corrected on an application in this behalf being made by the concerned student. It is, therefore, urged that the corrections, as prayed for by the petitioner, cannot be allowed, except in accordance with law.

6. In the present case, it is observed that the record maintained by the school, in relation to the petitioner, from the time of the latter's admission, until the time of the unilateral *ex post facto* corrections made by the former in the year 2017, reflect his name as 'Anas Malik' and that of his father as 'Sarfaraj'; and that the procedure provided by law, seeking change of name, has admittedly not been followed.

7. It is, in this view of the matter, that respondent No.2/CBSE vide impugned letter/order dated 22.02.2017, disallowed the request for correction made on behalf of the petitioner. In the absence of a Gazette

Notification preceding a request for change of name, in accordance with procedure established by law, the respondent No.2/CBSE cannot be faulted for having declined so to do.

8. In view of the foregoing discussion, the impugned letter/order bearing case No.AI-452/16 dated 22.02.2017 issued by respondent No.1/CBSE does not call for any interference by this Court under Article 226 of the Constitution of India and the petition, therefore, being devoid of merit is accordingly dismissed. The pending application also stands disposed of.

SIDDHARTH MRIDUL
(JUDGE)

JULY 10, 2018

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