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

+ **W.P.(C) 10457/2017**

ABHISHEK RAJ

..... Petitioner

Through: Mr. Rishabh Sancheti, Ms. G.M.
Padma Priya, Ms. Parijata Bhardwaj,
Mr. Dhruv Sharma, Mr. Jaiwant
Patankar, Mr. Ivan and Mr. Anchit,
Advs.

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION**

..... Respondent

Through: Mr. Atul Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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07.03.2018

CM. No. 42723/2017 (for condonation of delay)

This is an application filed by the petitioner seeking condonation of 66 days delay in re-filing the petition. For the reasons stated in the application, delay is condoned.

Application stands disposed of.

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Learned counsel for the petitioner states, she has instructions to argue the matter. Mr. Atul Kumar, learned counsel appearing for the respondent states, there is no need to file a counter-affidavit and the matter can be heard on the basis of the record as available.

Learned counsel for the petitioner has relied upon the order of the Division Bench in *W.P.(C) 2563/2017, Kumari Ananya Chowdhury v.*

Central Board of Secondary Education & Ors. decided on May 8, 2017 wherein in Para 13, the Division Bench has held as under:-

“13. Given the correctness of the certificate issued by the CBSE itself in 2015 in All India School Certificate Examination and its failure to effect the rectification in Secondary School Examination Certificate, it would be appropriate and in the interest of justice to direct the respondent no.3 to forthwith take steps to bring the Grade Sheet cum Certificate of Performance of Secondary School Examination (Session 2011-2013) in line with the certificate issued to the petitioner in the year 2015 after she had undertaken the Senior Secondary Examination, both certificates having been issued by the respondent no.1 itself.

In view of the above, we direct as follows:-

- (i) The petitioner shall surrender her Grade Sheet cum Certificate of Performance of Secondary School Examination (Session 2011-2013) (against Roll No.6130482) with the respondent no.3 at the earliest.*
- (ii) Upon receipt of the original certificate, the respondent no.3 shall proceed to correct the spellings of the surname of the petitioner as well as her mother's name to bring in line with the All India Senior School Examination certificate issued on 25th May, 2015 (Roll No.6626920).*
- (iii) These corrections shall be effected within a period of four weeks from the date of receipt of the original documents from the petitioner.*

In the case in hand, petitioner had appeared in All India Secondary School Examination (Class X) with Roll No. 6124770. It is his case that despite mentioning his name as “*Abhishek Raj*” in the form of Class X, the Class X passing certificate of the examination of 1995 was issued in the name of “*Abhishek Narayan*”. It is his case that the mark sheet of All India

Senior School Certificate Examination of 1997 which he had appeared with Roll No. 6226437 was issued in the name of “*Abhishek Raj*”.

It is her contention that there is an anomaly inasmuch as the Class-X Certificate depicts the name of the petitioner as “*Abhishek Narayan*” whereas Class-XII Certificate depicts his name as “*Abhishek Raj*”. It is her submission that the petitioner had applied for correction of his name in the Class-X Certificate on April 29, 2009, October 13, 2009 and February 3, 2010. It is also her case that the Regional Office, CBSE, Ajmer has in its communication addressed to the School from which the petitioner had passed out has stated that the correction could be considered within 10 years of passing of the Secondary Examination of the Board. It is a matter of record that the petitioner had filed a Suit before the District Court, Karkardooma, Delhi. The said suit was dismissed both on the ground of limitation and for non-compliance of Section 80 of the CPC. It is noted that petitioner had got issued a legal notice on January 17, 2017 requesting for correction in the Class-X Certificate by depicting his name as “*Abhishek Raj*” instead of “*Abhishek Narayan*”.

Mr. Atul Kumar, learned counsel appearing for the respondent / CBSE has made one submission that in terms of the bye-laws request for correction of change of name is not permissible after 10 years inasmuch as the petitioner had initially applied for correction of his name in the Certificate issued in the year 1995 only on April 29, 2009 and October 13, 2009 and February 03, 2010. He also states, the Regional Office of CBSE at Ajmer has rightly rejected the request of the petitioner for correction of his name in the Class-X certificate on that ground. According to him, in so far as the judgment relied upon by the counsel for the petitioner is concerned,

he concedes to the fact, the same has been implemented in favour of the candidate therein. In other words, because of the difference in name in two certificates issued by the CBSE, necessary correction has been made. If that be so, the case in hand is no different. There is no dispute two certificates issued by the respondent CBSE, have two different names of the petitioner. They have to be reconciled and should be brought in conformity with each other. Accordingly, the prayer of the petitioner for change of his name in Class X certificate/mark sheet is accepted. The respondent is directed to correct the mark sheet and the certificate of Class X of the petitioner by depicting the petitioner's name as "*Abhishek Raj*" instead of "*Abhishek Narayan*". The petitioner is directed to surrender the certificate of Class-X and also the mark sheet with the Regional Office, CBSE at Ajmer within four weeks from today. On such surrender, respondent shall carry out the necessary changes and issue the corrected certificate of Class-X and the mark sheet within four weeks thereafter. Suffice to state, this order is in the peculiar facts of this case.

In view of the above, petition is disposed of.

V. KAMESWAR RAO, J

MARCH 07, 2018/jg