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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 27.09.2018

W.P.(C) 8765/2017 & CM APPL.35891/2018

MADAN LAL

..... Petitioner

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION**

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Apurb Lal and Ms. Meenu Pandey, Advocates
For the Respondent : Mr. Atul Kumar, Advocate

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 prays as follows:-

- “(i) Direct the respondent to make correction in name of the parents in terms of the school record in the certificates of class 10th and 12th and issue fresh certificates along with mark sheet after correction.
- (ii) Pass appropriate direction against the respondent to

pay cost for compelling the petitioner to file the petition before this Hon'ble Court for their mistake.

- (iii) Call for the records of the case.
- (iv) Pass any other and further order which may deem fit and proper in the facts and circumstances of the case.”

2. Madan Lal was born to Nardi Devi and Guneshwar Prasad on 03.01.1995. Although, his parents are uneducated, they had him admitted to a Government school in Delhi.

3. A perusal of his admission form clearly reflects his parents name as ‘Nardi Devi’ and ‘Guneshwar Prasad’. However, evidently on account of an inadvertent mistake at the time, when Madan Lal successfully cleared his Class Xth Examination, his parents’ names were incorrectly reflected as ‘Nargi Devi’ and ‘Ganeshwar Prasad’, respectively. A similar mistake occurred when he successfully wrote the Class XIIth Examination. In the certificate issued to him by the Central Board of Secondary Education (for short ‘CBSE’), although his mother’s name is correctly reflected as ‘Nardi Devi’, his father’s name underneath the space provided for the purpose, is reflected as ‘Guneshwar Prashad’.

4. From the above, it is evident that, the names of Madan Lal’s parents, as recorded, are not in accord with the correct names furnished to the concerned school at the time of his admission.

5. As a result of the errors in Madan Lal’s certificates, as aforesaid, he

was constrained to approach the CBSE vide letter dated 20.06.2017, seeking correction of his parents' names in the subject certificates and marksheets of Class Xth and Class XIIth, along with the requisite affidavit dated 19.01.2017.

6. However, the CBSE rejected his request, in terms of their mandated bye- laws dated 25.06.2015. It is the said rejection letter dated 31.07.2017, which is assailed in the present proceedings.

7. In W.P.(C) 4990/2018, titled as '*Rohit Akka vs. Central Board of Secondary Education and Anr.*', by way of judgment dated 06.09.2018, this Court observed that, the application of the mandated bye-laws must be informed by the rules of prudence, which do not permit of a cloistered and insensitive approach.

8. In the peculiar facts and circumstances of the present case and the admitted position that, Madan Lal's parents have received no formal education, it would be a travesty of justice to visit him with the consequence of an inadvertent error in eternity.

9. In view of the foregoing, in my considered view, the present petition deserves to be allowed. The correction in the subject certificates, in accord with the admission form filled in, at the time of Madan Lal's admission, leaves no manner of doubt *qua* the correct names of his parents.

10. I, therefore, allow the present petition and direct the CBSE to correct the names of parents of Madan Lal as 'Nardi Devi' and 'Guneshwar Prasad' in Class Xth and Class XIIth certificates and mark sheets forthwith.

11. The petitioner is, however, directed to surrender the subject certificates and mark sheets in original to the CBSE, in order to enable the latter to carry out the above corrections, within a period of two weeks from today.

12. With the above directions, the writ petition is disposed of.

SIDDHARTH MRIDUL
(JUDGE)

SEPTEMBER 27, 2018

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