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

Date of decision: 23rd May, 2018

+ W.P.(C) 9738/2017
RANBIR BHARTI Petitioner
Through Mr.Santosh Kumar, Adv.

versus

S.L.S. DAV PUBLIC SCHOOL AND ANR..... Respondent
Through Mr.Pramod Tygai, Adv for R-1.
Mr.Atul Kumar, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (Oral)

1. Vide the present petition, the Petitioner has sought a direction to the Respondents to issue his daughter a corrected Class X certificate, reflecting the name of her natural parents, i.e. the Petitioner and his late wife Ms. Arati Muskan.
2. The facts relevant for the adjudication of the present petition are that the Petitioner was married to one Ms. Arati Muskan, who was also known as Ms. Nisha Bharti, and from the said wedlock three children were born, including Ms. Prakriti Bharti, who was born on 16.06.2000. It further transpires that Ms. Arati Muskan expired on 04.10.2008, whereafter the Petitioner's daughter Ms. Prakriti continued her studies up to Class VII in St. Paul's Model School,

Begusari, Bihar. Thereafter, Ms. Prakriti completed her Class VIII from Sunrise Public School, Laxmi Nagar, Delhi and her Class IX from DAV Model School, Durgapur, West Bengal.

3. It emerges that on 30.07.2015, the Petitioner's aforesaid daughter took admission in Class IX at S.L.S. DAV Public School, Mausam Vihar, Delhi, i.e. the Respondent No. 1, under the guardianship of her aunt and uncle, Smt. Manisha Routh and Shri Rajiv Routh respectively. When Ms. Prakriti Routh was studying in the Respondent No. 1/School, she filled the CBSE Registration Form for her Class X examinations and initially filled in the details of her natural parents in the same. However, subsequently the aforesaid guardians filled another form mentioning their names as Ms. Prakriti's parents therein. It is in these circumstances that the Class X certificate issued by the Respondent No. 2 to Ms. Prakriti depicted the name of her parents as Ms. Manisha Routh and Mr. Rajiv Routh instead of the names of her natural parents.

4. It is the Petitioner's case that he only found out about the aforesaid mistake in Ms. Prakriti's records after the issuance of her Class X certificate. He contends that when the aforesaid mistake came to his knowledge, he approached the Respondent No. 1/School as well as the Respondent No. 2/Central Board of Secondary Education (hereinafter referred to as "CBSE") to change the name of Ms. Prakriti's parents to reflect the name of her natural parents. However, it emerges that both the Respondents have not acceded to the Petitioner's aforesaid request and, it is in these circumstances that the Petitioner has approached this Court by filing the present petition.

5. Having set out the facts hereinabove, I may now refer to the rival contentions of the learned counsels for the parties. Learned counsel for the Petitioner submits that the mistake in the record of the Respondent No. 1/School, which was subsequently carried forward by the Respondent No. 2 also, was squarely attributable to the mistake on the part of Ms. Manisha Routh and Mr. Rajiv Routh, who had without any basis mentioned their names as parents in the records of the Respondent No. 1/School. He submits that once each of the transfer certificates from St. Paul's Model School, Sunrise Public School and DAV Model School clearly showed the correct names of the parents of Ms. Prakriti, the Respondent No. 1 could not have on its own or on the mere asking of her maternal aunt or uncle, substituted their names in place of her natural parents' names. He further submits that both Ms. Manisha Routh and Rajiv Routh have filed affidavits before this Court explaining the aforesaid facts and have also clearly stated therein that they had duly submitted not only the birth certificate but also all the three transfer certificates to the Respondent No. 1/School, who had still recorded their names as her parents.

6. On the other hand, both the Respondents have opposed the present petition, by contending that once Ms. Manisha Routh and Mr. Rajiv Routh had not only filled and signed the admission forms but also the examination forms of Class X as guardians of Ms. Prakriti Bharti, neither of the Respondents can be faulted for acting on their request.

7. Having considered the rival contentions of the parties, I find that the Petitioner's case is indeed a peculiar one, since it is neither a case where the student wants to change the name of her parents nor a case where there is any spelling mistake in the name. It is a case where the young student, after losing her mother, was taken care of by her aunt and uncle, who appeared to have given their name to her out of love and affection after her mother's death, only for the purpose of the school records.

8. I also find that it is an admitted position that all the documents submitted to the Respondent No. 1/School, including the birth certificate and transfer certificates of Ms. Prakriti issued by her previous schools, record the name of the Petitioner and his deceased wife as her parents and, therefore, merely because the Respondent No. 1 chose to act at the wholly unsubstantiated request of Ms. Manisha Routh and Mr. Rajiv Routh, the Petitioner or Ms. Prakriti cannot be allowed to suffer.

9. I may also note that, pursuant to the last order dated 20.04.2018, Ms. Prakriti's aforesaid aunt and uncle have filed their affidavits, clearly stating that she is the Petitioner's daughter and not their own. They have also explained the reason as to why they had used their name instead of the Petitioner's in the Respondent No. 1/School's records. Learned counsels for the Respondents are unable to deny the aforesaid position, which is clearly borne out from the record.

10. Thus, even though the Petitioner's case does not fall within the purview of any of the clauses of the CBSE Examination Bye-laws, merely because the Respondent No. 1 had wrongly omitted the name

of the natural parents of Ms. Prakriti Bharti, on the mere request of her maternal aunt and uncle by ignoring the relevant documents, Ms. Prakriti cannot be deprived of using the name of her real parents. I am of the considered view that, the peculiar facts of the present case demand that the Respondents ought to be directed to make the necessary corrections in their respective records pertaining to Ms. Prakriti Bharti. Accordingly, Respondent No. 1 is directed to correct the name of Ms. Prakriti Bharti's parents by clearly depicting the name of her natural father and deceased mother therein, instead of Ms. Manisha Routh and Mr. Rajiv Routh, and thereafter forward the same to the Respondent No. 2. It is further directed that, upon receiving the requisite corrected documents from the Respondent No. 1 and the Petitioner surrendering the original Class X certificate of Ms. Prakriti Bharti, the Respondent No. 2 will take steps to issue a fresh Class X certificate depicting the name of her natural father and mother, within a period of four weeks.

11. The writ petition is allowed in the aforementioned terms with no order as to costs.

MAY 23, 2018

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REKHA PALLI, J