

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.57 of 2018

In

Civil Writ Jurisdiction Case No.6314 of 2016

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Renu Kumari wife of Ram Chandra Poddar, resident of Shivaisingpur, P.O. Buzurgdwar, via Singhia Ghat, P.S. Khanpur, District Samastipur Pin - 848236.

... .. Appellant/s

Versus

1. The Union of India through its Secretary, Human Resources Development Department, Government of India, New Delhi.
2. Regional Director, National Institute of Open Schooling, Lalit Bhawan (Ground Floor), Jawahar Lal Nehru Marg, Bailey Road, Patna.
3. President - cum - Joint Secretary National Institute of Open Schooling, A - 24/25 Sector - 62, Noida (U.P.)-201309
4. Senior Executive Officer, Regional Centre, National Institute of Open Schooling, Lalit Bhawan (Ground Floor), Jawahar Lal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Amit Narayan, Advocate
		Mr. Daya Shankar Prasad Sinha, Advocate
For the U.O.I.	:	Mr. Ram Anurag Singh, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-01-2019

L.A. No. 2726 of 2018

We have considered the submissions raised in the delay condonation application. We find the cause to be sufficient and condone the delay. The appeal shall be treated to be within time.

L.P.A. No. 57 of 2018

Heard Shri Amit Narayan, learned counsel for the



appellant, and Shri Ram Anurag Singh for the Union of India-respondent No. 1.

Notices were issued to the other respondents which have been served, but no one has appeared on their behalf.

This appeal prays for setting aside the impugned judgment dated 23rd of September, 2016 whereby the learned Single Judge has refused to accept the prayer of the appellant for accepting the corrections made in the name of the appellant and other particulars in the documents of the appellant issued by the National Institute of Open Schooling.

It appears that the appellant appeared in the Madhyama examination conducted by the Bihar Sanskrit Shiksha Board and she was issued a mark-sheet dated 6th of April, 2001 as well as a provisional certificate for having passed the Madhyama examination on the same date. The name of the appellant was described therein as “Ranu Kumari” and in the column of parentage appears the name “Ram Chandra Poddar”. The appellant applied for on-line admission in the National Institute of Open Schooling along with the said documents. While submitting her application form, the appellant signed her name as “Ranu Kumari”. The said fact is stated clearly in the counter-affidavit filed by the respondent-Institute



along with a photostat copy of the application form of the appellant.

The appellant thereafter also appeared in the examinations and her results were declared by the Institute. It is after a very long period of time that she submitted a letter in the year 2015 for correction of her name and parentage stating therein that her real name is “Renu Kumari” and that “Ram Chandra Poddar” is her husband. The correction of records was sought on the basis of the documents which had been filed along with the writ petition.

The learned Single Judge, after having perused the counter affidavit filed by the Institute, dismissed the writ petition vide the impugned judgment dated 23.09.2016.

The appellant thereafter filed a review petition being Civil Review No. 479 of 2016 and along with the review application, the appellant filed certain more documents to demonstrate that since there was an error in the certificate of the Bihar Sanskrit Shiksha Board, therefore, through the Institution she had applied for correction and, according to her, after the name and the parentage being corrected, a fresh certificate in the name of “Renu Kumari” was issued to her and a photostat copy thereof issued on 29.05.2015 was filed along with the review



application.

Learned counsel for the appellant submits that there was ample material to demonstrate that the appellant was one and the same person and that her name had been incorrectly described which stood corrected by the Bihar Sanskrit Shiksha Board. It is on the strength thereof that the appellant sought a review, but the review application was rejected on 30th of August, 2017 by the following order:-

“No review is required in view of the fact that there is no error apparent on the fact of the record of the adjudication so made.”

It is, thereafter, that the present appeal has been filed contending that the learned Single Judge has erroneously refused to entertain the matter in spite of the fact that there was ample material to demonstrate that the real name of the appellant was “Renu Kumari” which deserved to be corrected in the documents in which correction had been sought.

Learned counsel for the Union of India submits that the errors were such that there was no mistake on the part of the Institute and, therefore, no such correction was permissible, that too even beyond the time period prescribed for the same.

We have considered the submissions raised and what we find is that there is nothing on record to indicate that



the Bihar Sanskrit Shiksha Board had passed any order for correction of the name of the appellant except for the certificate which is stated to have been issued. Thus, the issuance of the certificate is not supported by any order of the Board nor it has been brought on record. Learned counsel submits that a certificate must have been issued after the acceptance of the request for correction and, therefore, this can be verified from the Bihar Sanskrit Shiksha Board itself. Here we find that the said Board was neither made a party before the writ court nor in the review application nor is there any such prayer made in the present appeal.

In the above background, there is lack of sufficient material before us to accept the aforesaid argument which, in our opinion, is a question of evidence. In the event, the appellant is in possession of any such document so as to establish that the Bihar Sanskrit Shiksha Board has corrected the name in the certificate issued by it, then that may be a ground for seeking correction, but in the absence thereof, it will be difficult in the exercise of writ jurisdiction of this Court to issue any such declaration under Article 226 of the Constitution of India.

We are, therefore, not inclined to enter into the merits of any such claim as sought by the appellant either in the



review application or through this appeal without prejudice to the rights of the appellant to approach the appropriate forum or authority for the redressal of any such grievances on the strength of any such material that the appellant may have come across and had not been made available to the writ court.

Consequently, we consign this appeal with the observation that in the event the appellant has sufficient material to satisfy the concerned authority or forum to accept such corrections then, in that event, the dismissal of the writ petition or of the review application or this appeal will not be an impediment in the passage of passing an appropriate order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Saif

AFR/NAFR	
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