

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.430 of 2019

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1. Minni Jha @ Minni Kumari wife of Pankaj Kumar Jha, Resident of Jhakhra, Ward No. 7, P.S. Sarai Ranjan, District- Samastipur.
 2. Pankaj Kumar Jha, son of Ram Prasad Jha, Resident of Jhakhra, Ward No. 7, P.S. Sarai Ranjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The Central Board Of Secondary Education Through its Chairperson, Shiksha Kendra-2, Community Centre Preet Vihar, New Delhi-110092.
2. The Chairperson, Central Board of Secondary Education, Shiksha Kendra-2, Community Centre, Preet Vihar, New Delhi.
3. The Secretary, Administration, Affiliation and Finance, Central Board of Secondary Education, Shiksha Kendra-2, Community Centre, Preet Vihar, New Delhi.
4. The Regional Officer, Central Board of Secondary Education, Ambika Complex, Behind S.B.I. Colony, Near Bramhasthan, Sheikhpura, Baily Road, Patna-800014.
5. The Assistant Secretary M and M Central Board of Secondary Education, Ambika Complex, Behind S.B.I. Colony, Near Bramhasthan, Sheikhpura, Baily Road, Patna-800014.
6. The Section Officer M and M Central Board of Secondary Education, Ambika Complex, Behind S.B.I. Colony, Near Bramhasthan, Sheikhpura, Baily Road, Patna-800014.
7. Jesus and Mary Academy through its Principal, Opposite Telephone Exchange, Allal Patti, Darbhanga-846003.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik
For the Respondent/s : Mr. Vinay Krishna Tripathy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 28-06-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the C.B.S.E.

The request for correction of the father name of
Anurag Vaibhav was rejected by the C.B.S.E. on the ground that
correction can be carried out, if it is admitted by the Court of
law.



From the order contained Annexure-3 it is evident that the C.B.S.E. has accepted that the peculiar facts of the case which led the petitioner to approach this Court. Petitioner No.1 was earlier married to Raj Kumar Jha and Anurag Vaibhav was born out of the wedlock of petitioner no.1 with late Raj Kumar Jha on 30.05.2001. Late Raj Kumar Jha died on road accident on 24.04.2002. After the death of Raj Kumar Jha, petitioner no.1 wife of deceased Raj Kumar Jha joined wedlock with the petitioner no.2 the younger brother of Raj Kumar Jha. Since Anurag Vaibhav brought up as son in the family of petitioner no.1 Mini Kumari and Pankaj Kumar Jha (petitioner no.2) in the school record, the name of the father of Anurag Vaibhav was mentioned as Pankaj Kumar Jha instead of original father Raj Kumar Jha. Anurag Vaibhav appeared at the matriculation examination in the year 2016 as student of Jesus and Mary Academy to C.B.S.E. He passed intermediate examination in the year 2018, when he wanted to introduce the original father name in the record of C.B.S.E. and corresponding certificate treating the father's name as Raj Kumar Jha instead of Pankaj Kumar Jha, the application was duly forwarded by the institution for correction by the C.B.S.E. The C.B.S.E. declined to make correction in the name of the father of Anurag Vaibhav. The decision of the C.B.S.E. has been challenged in the present



application by Mini Kumari wife of Raj Kumar Jha who died in the year 2002 and presently wife of Pankaj Kumar Jha who is petitioner no.2 in the present case.

Considering the peculiar facts and circumstances of the case, when it is admitted by the present parents that the original father of Anurag Vaibhav is Late Raj Kumar Jha and not Pankaj Kumar Jha, the Court does not find any legal impediment in correction of the name of father of the petitioner as Raj Kumar Jha.

Accordingly, the C.B.S.E. is directed to make necessary correction incorporating the fathers name of Anurag Vaibhav as in their record as late Raj Kumar Jha. Necessary correction in the record of C.B.S.E. and corresponding correction in the certificate may be carried out by the C.B.S.E. within a period of 60 days from the date of receipt/production of copy of this order.

In view of the above, the order dated 25.06.2015 contained in Annexure-5 is quashed and the writ application is allowed to the aforesaid extent.

(Anil Kumar Upadhyay, J)

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