



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.8587 of 2019
and W.M.P.No.9106 of 2019

R.Indhuja ... Petitioner

Vs

1.The Assistant Director,
Central Board of Secondary Education,
Plot No.1630A, 'J'Block,
6th Main Road, Anna Nagar,
Chennai-600 040.

2.The Principal,
OXALISS International School (CBSE),
Affiliated to CBSE, New Delhi,
Salem, Chennai Main Road,
Thatchur, Kallakurichi-606 202.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the order passed by the 1st respondent in BSE/RO(M)/CORRN/2018/FN/18236 dt 26.11.2018 and quash the same and consequently direct the respondents to issue the corrected X Mark Statement and Transfer Certificate of petitioner son I.Rohit Boopathi bearing Roll No.4024343 of AISSE of 2018.

For petitioner : Mr.E.Lakshminarayanan
For R1 : Mr.G.Nagarajan, CGSC
For R2 : M/s.A.Rajeswari Karthikeyan

O R D E R

Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for the first respondent and the learned counsel for the second respondent.

2. The petitioner is the mother of minor boy viz., Rohit Boopathi. According to her, the said boy was born to her first



husband Manikandan. Due to discard in the matrimonial life, she divorced Manikandan and married one Ranjitkumar. When the boy Rohit Boopathi got admitted in the School, she gave her second husband name as the father of Rohit Boopathi and she has given her name as the initial of the boy. Now, after completing 10th standard, she wants the biological father name in the Transfer Certificate and other certificates of minor boy instead of Ranjitkumar, whom she married subsequently. When such request made to the authorities, the CBSE rejected her request on the ground that the certificate has been issued as per the information furnished by the School and on verification of the documents, that correction as sought for by the petitioner herein is not found in consonance with the School records. Aggrieved by that, the present writ petition is filed.

3. The learned counsel appearing for the petitioner would submit that while entering the name of the father, the institute should have verify the information. Though the petitioner has given her second husband's name as the father of the minor boy, the institute failed to ascertain the biological father and they are bound to take the responsibility and to make necessary arrangement to get the name change.

4. Regarding the stand of the CBSE, the learned counsel for the petitioner would submit that as per the by-laws of CBSE Rule 69(1)(iv), applications regarding change in the name/surname will be considered where such changes have been permitted by a Court of Law and notified in a Government Gazette. In the event of Court of Judicature allowing the change of name of a candidate, the same shall be carried out by the Board after obtaining relevant documents concerning change of name published in an official gazette.

5. According to the petitioner, this provision was tested before the Bombay High Court, wherein, the Court has held that there is no question of time limit prescribed to carry out the change in name that to a person concerned is a minor.

6. The learned counsel for the CBSE would submit that they are not concerned about limitation and other technicalities. If the petitioner is able to produce the civil Court decree regarding the parentage of the minor boy Rohit Boopathi, they are ready to carry out the amendment as per the by-laws 69(1)(iv).

7. The learned counsel for the first respondent submit that the information reflected in the records was furnished by the petitioner herein and they have not invented any new informations to incorporate in the records. The learned counsel has also furnished a form signed by the petitioner, Ranjitkumar



as well as the student, wherein, they have accepted the name of the student Rohit Boopathy. I and his father name Ranjitkumar.P. Gazette notification relied on by the petitioner is only in respect of carry Mother's name as initial and not in respect of father's name.

8. The learned counsel for the petitioner would submit that the birth certificate of the minor boy indicates the name of the biological father. Therefore, the respondents shall take note of it and correct the certificate.

9. In normal course, only biological father name should have been incorporated in the records in normal circumstances. But the mother has chosen to give different name as the father of the boy and that fact is exclusively within the knowledge of the mother. At later point of time, the mother wants to give some other name as biological father. The said fact has to be tested in a civil Court and only by virtue of a decree, it could be corrected. As of now, from the information given by the petitioner, the mother of the minor boy Rohit Boopathi, the school has furnished information to CBSE and CBSE in turn has issued a certificate.

10. This Court cannot issue any directions, in view of two contradictory documents being available regarding the parentage of the boy. No doubt, the birth certificate of Rohit Boopathy issued by Kallakurichi Municipality indicates his father name is Manikandan. Under what circumstances, the petitioner given the name of Ranjitkumar in the school record has to be explained by the petitioner before the civil Court and the petitioner has to get a declaration to the effect regarding the parentage of the petitioner.

11. I find no error or irregularity committed by the respondents herein in recording the father name of Rohit Boopathi as Ranjitkumar based on the information and records produced by the petitioner herein. This writ petition is not maintainable as the by-laws of the CBSE indicates, it is the civil Court for the petitioner to get appropriate decree and seek corrections.

12. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



rpl

To

1.The Assistant Director,
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2.The Principal,
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Thatchur, Kallakurichi-606 202.

+1 cc to Mr.E.Lakshminarayanan, Advocate, Sr.No. 61597
+1 cc to Mr.G.Nagarajan, Advocate, Sr.No. 61600
+1 cc to M/s.A.rajeswari Karthikeyan, Advocate, Sr.No. 61688

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CSL/31.07.2019