

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.17837 of 2019

M.K.Subi Kumar

.. Petitioner

/versus/

1.The Head of the Department,
Controller of Examination,
Central Board of Secondary Education,
Shiksha Kendra-2, Community Centre,
Preet Vihar, Delhi - 110 092.

2.The Regional Officer,
Central Board of Secondary Education,
Chennai Region,
New No.3, Old No.1630 A,
"J" Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

3.The Deputy Secretary,
Controller of Examination,
Central Board of Secondary Education,
Chennai Region,
New No.3, Old No.1630 A,
"J" Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

4.The Indian Public School,
Senapathipalayam, Chennimalai Road,
Goundachipalayam Post,
Perundurai Taluk, Erode District - 638 118.

5. The Velammal International School,
Velammal Knowledge Park,
Ponneri High Road, Near Ponneri,
Panchetti, Tiruvallur District - 601 204.

(R4 and R5 are impleaded as per order
dated 26.08.2019 by GJJ)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to issue a fresh Class XII and Class X mark statement Certificate by complying errors in parent's name by considering his representation dated 06.06.2019.

For Petitioner :**Mr.B.Siddeswaran**

For Respondents :Mr.G.Nagarajan
Standing Counsel for CBSE
for 1 to 3

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.R.Siddeswaran, learned counsel appearing for the petitioner and Mr.G.Nagarajan, learned Standing Counsel for CBSE for 1 to 3.

3. The grievance of the petitioner is that after he completed X and XII course under CBSE pattern, his parents change their names from Krishnakumar S.R to Krisshnakumar S.R and Maheshwari K to Maheswari K. The names of his parents have duly been gazetted. Since the said name change are to be incorporated in the mark sheet, he has made a representation to the CBSE for carrying out the correction as per the Gazette. The said request was not considered by the CBSE. Hence, this writ petition.

4. In response to the notice, CBSE has entered appearance through the counsel, whereas, the 4th and 5th respondents, in which the petitioner studied his X and XII standard absent though received notice. Learned counsel for respondents 1 to 3 stated that the representation of the petitioner is kept pending in view of fact that any request for change of details found in the mark statement should be forwarded through the concerned School. It should an enquiry regarding the same and report to CBSE. As far as this case is concerned, inspite of CBSE request the institute has not come forward with records pertaining to the petitioner, which are in possession of the institute.

5. The learned counsel for the respondent would submit that if the institute namely, the respondents 4 and 5 forward the records, the application of the petitioner will be considered and appropriate orders will be passed.

6. The learned counsel for the respondent would further submit that the said procedure is adopted in order to ensure the list of candidates furnished by the school and their particulars are correct and tally with details in the marksheet issued. Any change in the details must be overstated by the institute. Normally, the time limit for seeking name correction is five years from the date of issuance of the certificate. As far as the case of the petitioner is concerned, the request is made after eight years. In addition the institute has not come forward to provide the records. If the institute forward details the representation of the petitioner will be considered sympathetically.

7. The institute in which the petitioner studied, is in possession of all the records pertaining to the petitioner. It is imperative on the part of the respondents 4 and 5 to forward the details sought by the CBSE to dispose of the representation given by the petitioner. Therefore, the respondents 4 and 5 are directed to furnish the details sought by CBSE vide its communication dated 20.06.2019 and forward the same to CBSE within a period of four weeks from the date of receipt of copy of this order. On receiving the particulars from the respondents 4 and 5, the 1st respondent shall process the representation of the petitioner and issue amended mark certificate after collection of the fees.

8. Registry is directed to mark a copy of this order to respondents 4 and 5 to be served through the Nazir Section of the concerned District Court.

9. Accordingly, this Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar(J)

Dated: 14.10.2019

* Corrected order to be issued;

sd/- Sub Assistant Registrar

Dated: 18.10.2019.

True Copy

Sub-Assistant Registrar

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To

1.The Head of the Department,
Controller of Examination,
Central Board of Secondary Education,
Shiksha Kendra-2, Community Centre,
Preet Vihar, Delhi - 110 092.

To be substituted to
the order already
despatched on 15.10.2019

2.The Regional Officer,
Central Board of Secondary Education,
Chennai Region, New No.3, Old No.1630 A,
"J" Block, 16th Main Road, Anna Nagar West,
Chennai - 600 040.

3.The Deputy Secretary,
Controller of Examination,
Central Board of Secondary Education,
Chennai Region, New No.o-3, Old No.1630 A,
"J" Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

Copy to

1. The Indian Public School,
Senapathipalayam, Chennimalai Road,
Goundachipalayam Post,
Perundurai Taluk, Erode District - 638 118.
(Do Through Nazir Section
Erode District Court, Erode)

2. The Velammal International School,
Velammal Knowledge Park,
Ponneri High Road, Near Ponneri,
Panchetti, Tiruvallur District - 601 204.
(Do Through Nazir Section
Tiruvallur District Court
Tiruvallur)

+1 CC to Mr.B. Siddeswaran, Advocate sr 84190.

+1 CC to Mr.G.Nagarajan, advocate sr 84252.

सत्यमेव जयते

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SP(14/10/2019)
SP(18/10/2019)

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