



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4077 of 2019

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

.. Appellant

vs.

1.Minor Shaik Ismail Hussain,
rep. by his father and natural guardian
Shaik Fazual Rahiman,

2.The Principal,
St. Joseph's English School,
No.41-144-1, N.R.Peta,
Kurnool - 518 004,
Andhra Pradesh

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 25.04.2019 passed in W.P.No.10391 of 2019 on the file of this Court.

Prayer in WP.10391 of 2019: Writ Petition filed under Article 226 of the constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the 1st respondent letter in CBSE/ROC/CURRN/2018/FN/18369 dated 1/1/2019 and quash the same as illegal and consequently direct the 1st respondent to correct the petitioner's father name as Shaik Fazal Rahiman instead of Fazal Rahmaan in the petitioner's 10th standard mark certificate.



WEB COPY

For Appellant

: Mr.G.Nagarajan
Central Government Standing
Counsel

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Learned counsel for the appellant Board contends that mandamus which has been issued by the learned Single Judge to carry out necessary corrections in the name of the father of the first respondent is likely to cause an impact in large number of other cases that may be similarly placed and therefore, even if any prejudice was being caused, an appropriate precaution ought to have been taken in order to prevent any future complications.

2. We find that the request made by the learned counsel to that extent is appreciable, inasmuch as a person should not be allowed to carry out corrections if the same is for any ulterior motive or for any extraneous considerations that may have itself roots either in any form of impersonation arising out of any civil or criminal activity. In this regard, it will be open to the appellant Board to obtain an affidavit from the candidate in the nature of indemnity against any such exigency as referred to above and correction be carried out subject to such conditions as may be necessary.

3. On the other hand, we find that if correction has been genuinely and bona fide sought and no prejudice is caused, then in that event the conclusion arrived at by the learned Single Judge cannot be said to suffer from any infirmity.

4. We dispose of the appeal with the said observations without interfering with the directions of the learned Single Judge. No costs. Consequently, C.M.P.No.25515 of 2019 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

bbr



To:

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

+1cc to Mr.G.Nagarajan, Advocate SR.99331

W.A.No.4077 of 2019

SPD(CO)
CB(30/12/2019)