

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20673 of 2019 (O&M)

Date of decision: 17.09.2019

Aishwarya Sharma

...Petitioner

Versus

CBSE and others

... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. Naveen Chopra, Advocate for the respondent Nos.1 &2
/CBSE.

B.S. Walia, J. (Oral).

[1] Prayer in the writ petition is for quashing Annexure P-13 dated 04.06.2019 vide which the petitioners request for change of her mother's name in Class 10 and 12 certificates (i.e. Annexures P-4 & P-5 respectively) from Neha Sharma to Banti Sharma as per name recorded in the petitioners Birth Certificate (Annexure P-1), Passport (Annexure P-2) and Gazette Notification (Annexure P-7) was rejected.

[2] Learned counsel for the petitioner contends that the petitioner was issued certificates of Class 10 and Class 12 i.e. Annexures P-4 and P-5 by respondent Nos.1 and 2 recording her mother's name as Neha Sharma instead of correct name of Banti Sharma due to inadvertent error as Neha Sharma is the maiden name of the petitioner's mother whereas after marriage, her name was changed to Banti Sharma.

[3] Learned counsel contends that petitioners Birth Certificate, as well as Passport i.e. Annexure P-1 dated 10.03.2017 and Annexure P-2 dated 25.04.2018 respectively records the correct name of the petitioner, her mother and father as Aishwarya Sharma, Banti Sharma and Sunil Sharma

respectively besides, Gazette Notification, Annexure P-7 dated 18.01.2018

was also made notifying the intention of the petitioner to change her mother's name from Neha Sharma to Banti Sharma in her 10th Class Secondary School Certificate issued against Roll No.2276270 for the Session 2012-14 and 12th Class Secondary School Certificate issued against Roll No.2752009 for the Session 2016 by the Central Board of School Education and that objections, if any, to the proposed change be conveyed within seven days but no objections were received.

[4] Learned counsel for the petitioner submits that the petitioner intends moving abroad on her marriage in the near future in which eventuality she would face difficulty on account of her mother's name being recorded in certificates Annexures P-4 and P-5 as Neha Sharma instead of Banti Sharma as recorded in the petitioners Birth Certificate, Annexure P-1 and Passport, Annexure P-2.

[5] Learned counsel for the petitioner relies upon the decision of this Court in CWP No.18246 of 2017 in case titled as 'Tushar Mangla vs Central Board of Secondary Education and Others' decided on 04.10.2018 in which prayer was for directing the CBSE to make necessary correction qua the petitioner's father's name from Virender Mangla to Virender Kumar and the same was allowed on the basis of affidavit filed by Virender Kumar, (father of the petitioner therein) to the effect that Virender Kumar and Virender Mangla were one and the same person and that he would not claim any relief under criminal/civil proceedings, if any, on the basis of corrected matriculation certificate in respect of father's name as Virender Kumar in case the same was allowed under orders of the High Court on the basis of affidavit as well as Aadhar Card and PAN Card of Virender Kumar.

[6] Reply has not been filed nor has counsel for the respondents/CBSE been able to distinguish the the facts of the instant case to

be different from the facts of Tushar Mangla's case or that in the circumstances, the decision in Tushar Mangla's case (Supra) is not applicable to the facts of the instant case. In the circumstances, the matter can be disposed of in terms of the decision of this Court in Tushar Mangla's case by directing the petitioner's mother to furnish an affidavit before the CBSE in the same terms as was furnished in Tushar Mangla's case (Supra) for issuance of fresh certificate by CBSE after carrying out necessary correction in the certificates.

[7] In the light of the position as noted above, the writ petition as well as the accompanying application are allowed, impugned rejection order is set aside. Petitioner would furnish her mother's affidavit to the CBSE authorities within three weeks from the date of receipt of certified copy of the order on the same lines as was furnished by the father of Tushar Mangla in CWP No.18246 of 2017 along with PAN Card and Aadhar Card. On receipt of the affidavit as well as PAN and Aadhar Card of the petitioners mother, CBSE shall within 4 weeks thereafter issue fresh certificates of Class 10 & 12 to the petitioner by making necessary correction in the record by incorporating the petitioners mother's correct name as Banti Sharma.

8. The CBSE while issuing fresh/corrected educational certificates will record in the same that 'the correction in respect of mothers name is as per the orders of the Punjab & Haryana High Court dated 17.09.2019 in CWP No.20673 of 2019.

(B.S. Walia)
Judge

17.09.2019

Amit

1. Whether speaking/reasoned:

Yes/No.

2. Whether reportable

: Yes/No.