

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13752-2018 (O&M)
Date of Decision: 13.11.2019

Kartik Singla

--Petitioner

Versus

The Regional Office & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner has filed the instant writ petition seeking a Writ of Mandamus directing the Central Board of Secondary Education to carry out a correction in the 10th Class Certificate at Annexure P-2 in respect of the particulars of his parents and by incorporating name of his father as Kamal Kumar instead of Kamal Singla and name of his mother to read as Neeta Rani instead of Nita Rani.

Notice of motion was issued in the instant writ petition on 6.7.2018.

Inspite of service having been effected, no representation has been caused on behalf of the contesting respondent-Board.

In the light of the prayer made in the writ petition, this Court is constrained to proceed further in the matter.

Pleadings on record would show that the prayer seeking corrections as noticed herein above are based on a number of documents viz. a Birth Certificate issued by the Govt. of Punjab, Health and Family Welfare Department, Chief Registrar, Births and Deaths, Punjab (Annexure P-1), the Aadhar Card issued by Govt. of India, the Voter I.D Cards issued

by the Election Commission of India in favour of the mother as also father reflecting their names as Neeta Rani and Kamal Kumar respectively.

Needless to mention that it is only in a situation where there is a conflict between the particulars mentioned in the certificate issued by the C.B.S.E/School records, then the party concerned may be relegated to the Civil Court to get the requisite declaration.

Bye-law 69.1 of the Bye-laws framed by C.B.S.E would govern the prayer made in the instant writ petition and the same reads as under:-

“Changes in Board's Certificate

69.1 Changes and Corrections in Name

(i) Correction in name means correction in spelling errors, factual errors, typographical errors in candidate's name/surname, father's name/mother's name to make it consistent with what is given in the school record.

Change in name also includes alteration, addition, deletion to make it different from the school records.

(ii) Application for correction in name may be considered any time provided that the application of the candidate is forwarded with the following documents:

(a) Admission form(s) filled in by the parents at the time of admission.

(b) The School Leaving Certificate of the previous school submitted by the parents of the candidate at the time of admission.

(c) Portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate.

(iii) The Board may effect necessary correction after verification of the Original Records of the school and on payment of the prescribed fee.

(iv) Applications regarding change in 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.”

In the facts of the present case counsel has even adverted to the communication dated 21.7.2015 appended as Annexure P-5 that was issued by Vasant Valley Public School/second respondent and addressed to the Regional Officer, Regional Office, C.B.S.E, Panchkula and whereby apart from forwarding the request of the petitioner as regards necessary correction even the school records had been updated in so far as name of the father to read as Kamal Kumar and name of the mother to read as Neeta Rani. As per communication dated 21.7.2015 (Annexure P-5) even the necessary documents in the nature of attested copy of admission form, attested copy of withdrawal register of the school where the entry has been made in respect of the candidate, attested copy of transfer certificate from the last school and request letter of the parents had been forwarded.

Strangely the CBSE is still sitting on the matter and has not acceded to the request made on behalf of the petitioner. The Board is even choosing not to contest the instant petition.

In the considered view of this Court the prayer made in the instant petition would be covered in terms of By-law 69.1 as afore-reproduced as it would amount to a correction of a typographical error and such prayer is supported even by documents in the nature of Birth Certificate issued by the competent authority, the Voter I.D Cards issued by the Election Commission of India to the parents of the petitioner and the Aadhar Card issued to the mother reflecting her name as Neeta Rani wife of

In view of the above, instant writ petition is allowed. A direction is issued to respondent no.1 to carry out the necessary changes and issue a fresh 10th Class Certificate to the petitioner in which name of the mother would be mentioned as Neeta Rani instead of Nita Rani and name of father to be reflected as Kamal Kumar instead of Kamal Singla.

Necessary correction be carried out and a fresh certificate be issued to the petitioner within a period of two weeks from the date of receipt of a certified copy of this order.

Writ petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

13.11.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No