

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3184 of 2020

Nishanthi S

.. Petitioner

-vs-

- 1.The Chair Person,
Central Board of Secondary Education
(CBSE), "Shiksha Kendra-2",
Community Centre, "Preet Vihar",
Delhi 110 092.
 - 2.The Controller of Examinations,
Central Board of Secondary Education
(CBSE), "Shiksha Kendra-2",
Community Centre, "Preet Vihar",
Delhi 110 092.
 - 3.The Regional Officer,
Central Board of Secondary Education
Regional Office, No.1630-A, J Block,
Anna Nagar West, Chennai 600 040.
 - 4.The Senior Principal,
Lalaji Memorial Omega International
School, No.79, Omega School Road,
Kolapakkam, Kovur Post,
Chennai 600 128.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the Third Respondent dated 20.12.2019 bearing No.CBSE/RO(M)/CORRN/2019/181112 and to quash the same with consequential direction to the Third Respondent to effect corrections in respect of mother's name as J.KUMARI in i) X Standard marks statement - Roll No.4012950 dated 29.05.2018, ii) X Standard pass certificate Reg.No.M.118/07113/0008 dated 29.05.2018 and iii) Migration Certificate dated 30.04.2018 Roll No.4012950 and issue the same to the petitioner within a time frame, pursuant to her representations dated 25.10.2019 and 01.11.2019 made to the Third Respondent.

For Petitioner : Mr.Haja Naziruddin
for Mr.P.Hari Babu

For Respondents : Mr.G.Nagarajan
for RR 1 to 3
: Mr.S.Prabhu for R-4

ORDER

(Made by The Hon'ble Chief Justice)

This writ petition has been filed for correction / rectification of the name of the mother of the petitioner, which has been entered as 'Kumari. S' in the X Standard mark sheet, whereas the correct name of her mother is 'Kumari. J'.

2.From the contentions that have been raised, it appears that the name of the petitioner's mother before her marriage was 'J.Kumari', but, after marriage, she seems to have indicated the name of her husband, which is S.Saravanabavan (i.e.,Sathianarayanan Saravanabavan). This is how the information tendered in the Institution may have brought about the spelling.

3.However, in the Class XII examination and other certificates, the correct name was entered into in the Institutions where the petitioner received her education. The Institution also corrected the records and sent the intimation to the Central Board of Secondary Education vide their communication dated 01.11.2019. A notification in the Gazette was also published on 25.09.2019 for this correction. The Central Board of Secondary Education, by the impugned communication, dated 20.12.2019, informed the petitioner that the correction in the name has not been carried out as per Rule 69 of the Examination Bye-laws, hence, the request is rejected.

4.We have considered the said issue in the case of P.Manimaran vs. Central Board of Secondary Education and Another, (W.P.No.34313 of 2019) decided on 24.09.2020, where the said Rules have been dealt with and we find that applying the conditions prescribed in Rule 69, a Court is empowered to issue necessary directions, upon which corrections can be carried out. The Rules, however, say that factual typographical errors and correction and spelling can be carried out within a period of five years, but, insofar as the change of name is concerned, the same can be carried out only before the declaration of the results.

5.In the instant case, the only discrepancy in the Class X certificate is of the name of the petitioner's mother, which, in the peculiar facts of this case, is apparent and which can be corrected, as the change is only from 'Kumari. S'

to 'Kumari. J'. This does not change the identity of the person and even otherwise, the School has carried out the corrections in its own records. In the peculiar facts of this case, where we find that the petitioner has also to travel to foreign countries with her parents or even pursue studies in courses in educational Institutions both in India and abroad, and she might face a difficulty on account of such incorrect description of names in her documents. We, therefore, find the request made by the petitioner on the facts of this case to be genuine and bonafide and which deserves to be allowed.

6.We, accordingly, set aside the order dated 20.12.2019 and direct the Central Board of Secondary Education to correct the name of the petitioner's mother from 'Kumari. S' to 'Kumari. J' and make an endorsement to that effect in the certificate of Class X of the petitioner within three months. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

sra

To

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Central Board of Secondary Education
(CBSE), "Shiksha Kendra-2",
Community Centre, "Preet Vihar",
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2.The Controller of Examinations,
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(CBSE), "Shiksha Kendra-2",
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3.The Regional Officer,
Central Board of Secondary Education
Regional Office, No.1630-A, J Block,
Anna Nagar West, Chennai 600 040.

+1cc to Mr.P.Hari Babu, Advocate SR.No.31447

+1cc to Mr.S.Prabhu, Advocate SR.No.31759

W.P.No.3184 of 2020

MR (CO)

<https://hcservices.courts.gov.in/hcservices/>
GMR (20/10/2020)