

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11220 of 2020
and WMP.No.13682 of 2020

B.R.Janusha Sri,
D/o.B.J.Ravi.

...Petitioner

Vs.

1. Central Board of Secondary Education (CBSE),
rep. by its Secretary,
O/o. The Central Board of Secondary Education,
New Delhi-110 092.
2. The Regional Officer,
CBSE, Chennai Region,
New No.3, Old No.1630 A,
'J' Block, 16th Main Road,
Anna Nagar West,
Chennai 600 040.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for and quash the impugned order in CBSE/RO(M)/Corrn/2019/181290 dated 16.06.2020 of 2nd respondent made under Amended Examination bye-law 69.1(i) as illegal, consequentially direct the 2nd respondent to Re-issue All India Secondary School Examination 2018 Mark statement in the name of 'B.R.Janusha Sri' in Roll No.4009449 within the time stipulated by this Court.

For Petitioner : Mr.T.Arunkumar
For Respondents : Mr.G.Nagarajan
Standing counsel.

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 16.06.2020 and for a consequential direction to the second respondent to re-issue the mark statement in the name of 'B.R.Janusha Sri'.

2.The case of the petitioner is that she had given her name as B.R.Janusha when she was studying in the 10th Standard and based on the same, her name was entered in the 10th Standard mark statement as B.R.Janusha. Thereafter, she applied for name change and change was effected through a Gazette notification and the name was changed as B.R.Janusha Sri. Consequently, the petitioner wanted the said name change to be reflected in the 10th Standard mark statement also. Therefore, the petitioner made a representation in this regard and the same came to be rejected by the second respondent through an impugned order dated 16.06.2020. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard Mr.T.Arunkumar, learned counsel appearing on behalf of the petitioner and Mr.G.Nagarajan, learned standing counsel appearing on behalf of the respondents.

4.The issue involved in the present writ petition is covered by the latest order passed by the Hon'ble First Bench in W.P.No.4211 of 2019 dated 29.09.2020. The relevant portions in the order is extracted hereunder:

"5.However, in the decision 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, we found something peculiar that in all the subsequent examinations after Class X, the correct name had been entered and therefore, this discrepancy in the Class X certificate needs to be rectified. Paragraphs 7 to 10 of the said judgment are extracted hereinunder:-

"7.Nonetheless, what is peculiar about this case is that the changed name stands incorporated in the Certificates which have been awarded to the petitioner's daughter after class X examination and it is only in the class X certificate which requires correction in tune with the other subsequent certificates obtained by her.

8.The forwarding letter dated 08.11.2019 also encloses the Class XII Pass certificate, the copy of Migration Certificate and statement of marks of Phase-II M.B.B.S. examination as well as other documents in support of the aforesaid contention.

9.We, therefore, find that in this peculiar case, where subsequently the change has already been given effect to in all other certificates, the candidate would be

prejudiced on account of the previous name continuing in the class X certificate only, thereby, giving an impression of variation which therefore, needs to be rectified and as stated above on the peculiar facts of this case.

10. We, accordingly, keeping in view the fact that the Court's orders are referred to in Clause 69.1(i) of Examination Bye-Laws of CBSE as a source directing correction, we direct the respondent Board to carry out the necessary corrections and make the endorsements in respect of the change referred to above on the certificate of the class X certificate of the petitioner's daughter accordingly, as requested by the letter dated 08.11.2019 that was forwarded by the School, within a period of six weeks from the date of presentation of the certified copy of the order."

6. We are, therefore, of the opinion, that on the peculiar facts of this case where also all other subsequent certificates appear to be in tune with the correct name, the said request of the first respondent could have been considered and therefore, without laying down as a matter of law, on the peculiar facts of this case, we decline to interfere with the impugned judgment, as an individual cannot be allowed to take advantage of two names when all laws are being tuned in this respect for maintaining a unique identity for all persons."

5. The facts of the present case is also very similar to the facts that were involved in the order referred supra. Therefore, this Court is of the considered view that the said order will also enure to the benefit of the petitioner since she is also similarly placed.

6. Therefore, taking into consideration the peculiar facts and circumstances of this case and following the order passed by the Division Bench, there shall be a direction to the second respondent to carry out the necessary correction in respect of the change of name of the petitioner in the 10th Standard Mark statement, within a period of four weeks from the date of receipt of copy of this order.

7.The petitioner is directed to surrender the original 10th Standard mark statement to the second respondent along with necessary application and requisite fees and the same shall be acted upon by the second respondent.

8.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rm

To

1. The Secretary,
Central Board of Secondary Education (CBSE),
O/o. The Central Board of Secondary Education,
New Delhi-110 092.
2. The Regional Officer,
CBSE, Chennai Region,
New No.3, Old No.1630 A,
'J' Block, 16th Main Road,
Anna Nagar West,
Chennai 600 040.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Arunkumar, Advocate, S.R.No.34213
+1cc to Mr.G.Nagarajam, Advocate, S.R.No.33917

W.P.No.11220 of 2020

PA(CO)
KKV/04/11/2020

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