

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27141 of 2019  
and  
WMP.No.26527 of 2019

Nandita Anantha Subramanian,  
D/o.Anantha Subramanian Vaidyanathan. ...Petitioner

.Vs.

1. The Central Board of Secondary Education,  
(Regional Office),  
represented by Section Officer,  
New No.3, Old No.1630 A,  
J-Block, 16<sup>th</sup> Main Road,  
Anna Nagar West, Chennai 600 040.
2. The Principal,  
Vidyaniketan Public School,  
Ullal Road Cross, Ullal, Upanagar Post,  
Bangalore 560 056. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records relating to the 1<sup>st</sup> respondent Letter in CBSE/RO(M)/CORR/REJECTION/2018/11878 dated 11.05.2019 and quash the same as illegal and consequently direct the 1<sup>st</sup> respondent to correct the Petitioner's name as "NANDITA ANANTHA SUBRAMANIAN" instead of "NANDITA A" and the petitioner's father name as "ANANTHA SUBRAMANIAN VAIDYANATHAN" instead of "ANANTH VAIDYANATHAN" in the petitioner's 10<sup>th</sup> and 12<sup>th</sup> standard mark certificate and other school records within a time frame fixed by this Court.

For Petitioner : M/s.Achari & Antoni Associates  
For Respondents : Mr.Nagarajan, for R1.

O R D E R

This Writ Petition has been filed challenging the impugned letter issued by the first respondent dated 11.05.2019 and for a consequential direction to the first respondent to

correct the name of the petitioner and also the name of the petitioner's father in the 10<sup>th</sup> and 12<sup>th</sup> standard mark certificates.

2.The case of the petitioner is that her name is Nandita Anantha Subramanian and her father's name is Anantha Subramanian Vaidyanathan. According to the petitioner, this was properly entered in the Birth Certificate issued by the Corporation of Chennai and also in the Passport issued in favour of the petitioner. The further case of the petitioner is that in the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets, the name of the petitioner has been entered as Nandita A and the father of the petitioner has been entered as Ananth Vaidyanathan. After realizing that such a mistake has crept in, the petitioner made a request for correction in the 10<sup>th</sup> and 12<sup>th</sup> Standard Marks sheets. This request made by the petitioner was rejected by the first respondent through communication letter dated 11.05.2019 on the ground that the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets correctly reflects the name found in the school records and therefore no correction can be made in the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets.

3.Heard the learned counsel for the petitioner and Mr.Nagarajan, learned counsel for the first respondent.

4.It is seen from records that except the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark Sheets of the petitioner, in all other documents viz., Birth Certificate, Passport, Aadhar Card, PAN Card etc., the name of the petitioner and her father has been correctly entered.

5.The issue involved in the present writ petition with regard to the powers of the first respondent to make such corrections was dealt with by this Court in an earlier order passed in W.P.No.11220 of 2020 dated 12.10.2020. This Court relied upon the judgment of the Division Bench in W.P.No.4211 of 2019 dated 29.09.2020. The relevant portions in the judgment is extracted hereunder:

"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 are 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.Even in the present case, the correct name of the petitioner and her father gets reflected in all the other documents except the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets. The earliest documents which is the Birth Certificate also reflects the correct name of the petitioner and her father. Therefore, the discrepancy that has crept in the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark Sheets will have to be necessarily corrected, failing which, there will be a variance in name in the other records and the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets. The above judgment relied upon by this Court will also strictly apply to the peculiar facts of the present case.

7.In view of the above discussion, taking into consideration the peculiar facts and circumstances of the case, there shall be a direction to the first respondent to carry out necessary correction in respect of the change of the name of the petitioner and her father in the 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets, within a period of four weeks from the date of receipt of copy of this order.

8.The petitioner is directed to surrender the original 10<sup>th</sup> and 12<sup>th</sup> Standard Mark sheets to the first respondent along with necessary application and requisite fees and the same shall be acted upon by the first respondent and the entire process shall be completed within a period of four weeks from the date of receipt of copy of this order.

9.In the result, the impugned rejection letter of the first respondent dated 11.05.2019 is hereby quashed and this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(LA)

//True copy//

Sub Assistant Registrar

To

1. The Section Officer,  
Central Board of Secondary Education,  
(Regional Office),  
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