

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.34313 of 2019

P. Manimaran Petitioner

vs-

1. Central Board of Secondary Education (CBSE),
Rep by its Regional Officer,
Chennai Regional Office.
2. The Principal,
Atomic Energy Central School,
Madras,
Kilpakkam - 603 102 Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to carry out the change of her daughter's name as "P.M.MADUMITHA" instead of M. Madhumitha, in her X Standard Mark Sheet with Roll No.4118959; Registration NoM/SE/12/07035/00141 and Secondary School Examination Serial No.SSE/2012-450704, as per Tamil Nadu Government Gazette Notification No.7, Dated 20.02.2013 at Page No.371 and issue fresh mark Sheet for X Standard with her new name, to the petitioner.

For Petitioner : Mr.Ilamvaluthi
For 1st Respondent : Mr.G. Nagarajan
For 2nd Respondent : Mr.V. Vijay Shankar

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.Ilamvaluthi, learned counsel for the petitioner, Mr.G. Nagarajan, learned counsel for the first respondent and Mr.V. Vijay Shankar, learned counsel for the second respondent.

2. The peculiar facts of this case are that the petitioner's daughter had passed her class X examination in the year 2012. Her name as entered then was "M.Madhumitha". Her parents undertook the change of her name through a Government Gazette dated 20.02.2013 to "P.M.Madumitha." Her subsequent certificates, therefore recorded the changed name except class X" Certificate. In order to bring the class "X" certificate's name in tune with the other certificates with the new name and spelling, the petitioner moved a request, which was forward by the second respondent School to the Regional Officer, CBSE Chennai vide letter dated 08.11.2019, which is extracted herein under:-

"Ref:AECS-2/KPM/32/2019/573 Date:08.11.2019

To
The Regional Officer
CBSC, Chennai.

Sub: Forwarding of duly filled in format for making correction / changes in Candidate's Name - Reg.

Sir,

It is to bring to your kind notice that Kum.M. Madhumitha (New Name P.Madumitha) was a bonafide student of our institution for the academic yer 2002 to 2012. She was completed her Class X and passed out from our institution in the year 2012. At the time of leaving the school, her name was M.MADHUMITHA, as per our all school records. After that, her name was changed by her parent as P.M.MADUMITHA in the Tamilnadu gazette on 20.03.2013. Then onwards her name was changed as P.M.MADUMITHA in all her records & certificates, except Class X Certificates.

Now, the parent has approached the school and submitted a request letter to change her name in the Class X mark sheet as per the Tamilnadu Gazette Notification, for the final registration of House Surgeon course.

In this connection, the following documents are forwarding herewith for your kind perusal and further necessary action:

1. Request letter Submitted by the parent along with Original Mark Sheet of Class X, Tamil Nadu Gazette Notification, Copy of Class XII Pass Certificate, Copy of Migration Certificate and copy of statement of marks of Phase - II MBBS Examination.

2. Duly filled in proforma for Name Correction along with attested copies of Class X Transfer Certificate, attested copies of Admission & Withdrawal Register, X Transfer Certificate, attested copies of Admission and Withdrawal Register, attested copy of Admission Application Form and attested copy of Class X LOC.

Kindly do the needful

With regards

Principal.

3. Learned counsel for CBSE contends that such a change of name can only be permitted if the publication in the Gazette has been made before the declaration of the result as per Clause 69.1(i) of the Examination Bye-Laws of CBSE and if it was the correction, then according to Clause 69.1(ii), the application could have been moved within five years, whereas, in the present case, the application has been moved after five years. Thus, applying any of the Rules, the change as requested for, cannot be granted.

4. The present writ petition has been filed by the father for changing the name of his daughter. Clauses 69.1(i) and 69.1(ii) are extracted hereunder:-

"69.1(i) (Change in Candidate Name, Mother Name & Father Name)

Applications regarding changes in name of surname of candidates will be considered provided the changes have been admitted by the Court of law and notified in the Government Gazette before the publication of the result of the candidate. In cases of change in

documents after the court orders caption will be mentioned on the document "CHANGE ALLOWED IN NAME / FATHER'S NAME / MOTHER'S NAME / GUARDIAN'S NAME FROM TO ON (DATED) AS PER COURT ORDER NO..... DATED .."

"69.1(ii) (Correction in Candidate Name, Mother Name & Father Name)

Correction in name to the extent of correction in spelling errors, factual typographical errors in the Candidate's name/ Surname, Father's name / Mother's name or Guardian's name to make it consistent with what is given in the school record or list of candidate (LOC) submitted by the school may be made.

Application for correction in name of Candidate/Father's/ Mother's/Guardian's name will be considered only within Five Years of the date of declaration of result provided the application of the candidate is forwarded by the Head of Institution with the following attested documents.

- a) True Copy of Admission form (s) filled in by the parents at the time of admission duly attested by the Head of the concerned institution.
- b) True Copy of the School Leaving Certificates of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution.
- c) True Copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.
- d) The Board may effect necessary corrections after verification of the original records of the school and on payment of the prescribed fee.

This rule will be applicable to all cases after Class X/XII 2015 examination onwards."

5. A perusal of the aforesaid clauses would indicate that so far as corrections are concerned, they are governed by Rule 69.1(ii). But, so far as change is concerned, the same is governed by Rule 69.1(i).

6. In the instant case, the letter, 'H' from the name 'MADHUMITHA' is sought to be deleted that occurs immediately after the letter 'D' and by adding a letter "P" at the beginning of the name, which, therefore, has a combined effect of correction in spelling as well as change of name.

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.

11. This writ petition stands disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sr

To

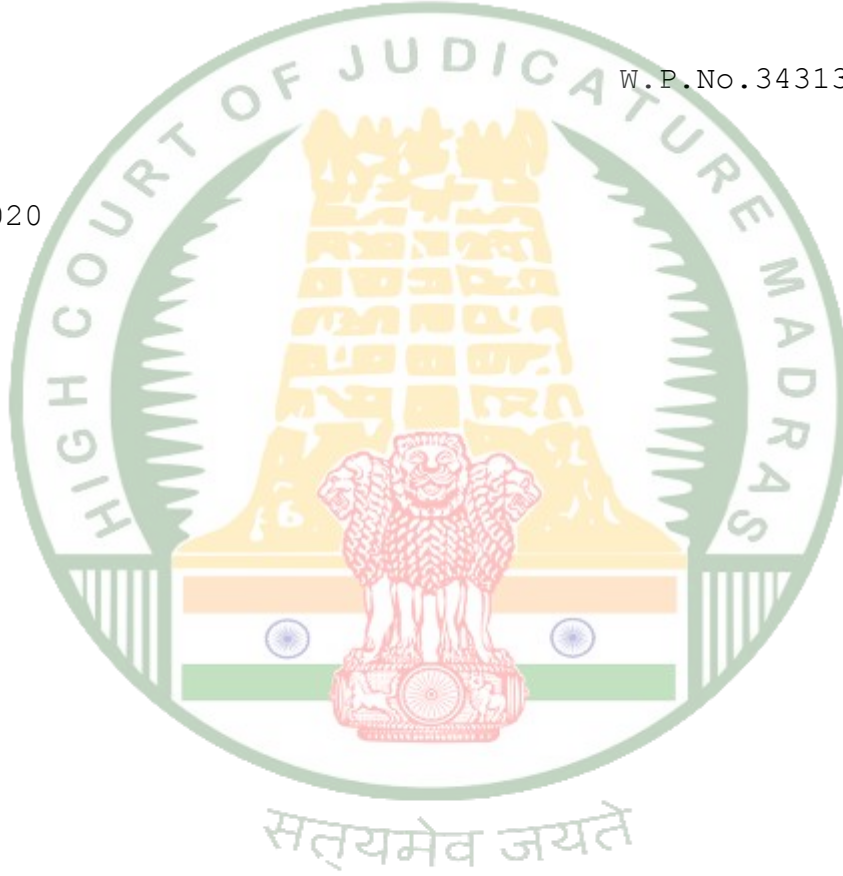
1. The Regional Officer,
Central Board of Secondary Education (CBSE),
Chennai Regional Office.

2. The Principal,
Atomic Energy Central School,
Madras,
Kilpakkam - 603 102

+1 cc to Mr.A.Gopinath Advocate sr31270

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