

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9317 OF 2018

ORDER:

Heard the learned counsel for the petitioner and Ms.Chayadevi, learned Standing counsel for the 2nd respondent.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus by declaring the impugned rejection proceedings CBSE/RO(M)/CORR/REJECTION/2018/10660, dated 30.01.2018 passed by the 2nd respondent as illegal, arbitrary, unfair and unjust apart from being violative of Article 14 of Constitution of India and to set aside the same and consequently direct the respondents to correct the spelling error of the 2nd petitioner occurred in school records and 10th Class CBSE Grade/Marks Sheet having Roll.No.4083886 (March, 2016) and to pass such.....”

It has been contended by the 2nd petitioner that he has appeared for CBSE Board examinations during 2016 and after completion of examinations, the 2nd respondent CBSE has issued 10th class grade sheet cum marks sheet wherein his name was shown as 'Nagallapati Sai Akhil' instead of 'Nagalapati Sai Akhil' and even in the transfer certificate issued by the 3rd respondent, his name was wrongly spelt out as 'Nagallapati Sai Akhil'. The 2nd petitioner further contends that for correction of the spelling error in the surname, he had submitted an application to the 2nd respondent but the 2nd respondent rejected the same vide impugned order dated 30.01.2018 stating that the correction sought by him is not in consonance with the school records. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the surname of the 2nd petitioner has been spelt out wrongly as 'Nagallapati Sai Akhil' instead of 'Nagalapati Sai Akhil'. He further contends that the respondents have filed a counter affidavit stating that CBSE has issued a Circular dated 10.11.2017, as per which any request for correction in date of birth and correction in the name of the candidate, mother's name or father's name shall be entertained by the Board within five years from the date of declaration of the result. But the respondents without looking into the said circular had mechanically rejected the application of the 2nd petitioner. The 2nd petitioner had appeared for CBSE Board examinations in the year 2016 and he had made the application within five years thereafter. In spite of the same, the respondents have rejected the case of the petitioner. Therefore, he contends that appropriate orders be passed in the writ petition directing the 2nd respondent to correct the surname of the 2nd petitioner in the certificates issued.

Learned Standing counsel appearing for respondents contends that as per the Rules, the request for correction in the date of birth or name of the candidate, or in the names his/her father or mother would be made only in consonance with the records maintained by the school authorities. Since the correction sought by the 2nd petitioner is not in consonance with the school record, the request of the 2nd petitioner was not considered. Therefore, he contends that there are no merits in the writ petition and the same is liable to be dismissed.

A perusal of the counter affidavit discloses that CBSE has issued a Circular dated 10.11.2017 specifying that the request for correction in the date of birth or name of the candidate, in the names of his/her father or mother shall be entertained within five years from the date of declaration of the result. Admittedly, 2nd petitioner has appeared for CBSE examinations in the year 2016 and has submitted application within five years for correction of his surname. Therefore, the respondents ought to have considered the application of the petitioner. In view of the same, the respondents are directed to consider the application of the 2nd petitioner for correction of his surname as 'Nagalapati Sai Akhil' and pass appropriate orders in accordance with law, more particularly in terms of the Circular dated 10.11.2017 within a reasonable period of time, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 13-02-2020
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