

CWP-5494-2020

DECIDED ON: 22nd September, 2020

RITIK

.....PETITIONER

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Naveen Chopra, Standing Counsel for the CBSE.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The present petition is filed seeking quashing of order dated 14th January, 2020 whereby, the application for correction of mother's name of the petitioner was declined by CBSE. Further direction is sought to CBSE to change the mother's name of the petitioner in matriculation certificate from Neha to Meena Kumari.

The petitioner has annexed his birth certificate mentioning father's name as Achhru Ram and mother's name as Meena Kumari Alias Neha and date of birth 3.3.2001. The passport of Meena Kumari is annexed wherein,

Similarly, in the passport of Achhru Ram, his wife name is mentioned as Meena Kumari.

This is second round of litigation. Earlier this Court vide order dated 16th December, 2019 passed in CWP No. 27346 of 2019 directed the CBSE to take decision on the request for change of mother's name. In pursuance to the said order, CBSE passed the impugned order rejecting the request by stating that the name was mentioned in the matriculation certificate as per the admission form filled by the parents in the school.

Learned counsel for the petitioner submits that as the mother of the petitioner had nick name Neha, it is for the said reason in the birth certificate the name was mentioned as Meena Kumar Alias Neha and as a matter of routine in the school admission form Neha was mentioned. He further submits that this Court asked for an inquiry report of SDM, Rajpura and an affidavit of CBSE with regard to the verification of photographs of the petitioner in the application forms submitted for class 10th and 10+2 examinations. In pursuance to the directions issued by this Court, an affidavit of Karnail Singh, Regional Officer, CBSE was filed wherein, it is verified that the photographs attached with the examinations forms of 10th and 10+2 are of the petitioner. He further submits that as per enquiry report dated 18th September, 2020 supports the case of the petitioner.

Learned counsel for respondent No.1-Board defended the

impugned order stating that certificate was issued as per the forms received by respondent No.1 and as filled by the parents in school. He further submits that the matter was considered under clause 69.1 of CBSE Examination bye laws but the request of the petitioner does not fall within its ambit.

From the pleadings, it is evident that the mother's name of the petitioner as per birth certificate is Meena Kumar Alias Neha. The passports of the parents of the petitioner duly depict the name of wife and the husband.

Inquiry report of SDM, Rajpura is quoted below:

- “1. That the deponent sought field report from Tehsildar Rajpura regarding the subject matter. The report bearing letter No. 302/MC dated 2.9.2020 is submitted by Tehsildar Rajpura. He reported that no child was born to Smt. Meena Kumari @ Neha wife of Mr. Achhru Ram resident of 386, Bharat Colony, old Rajpura, Tehsil Rajpura, District Patiala during the period of 2000 to 2005 except petitioner Mr. Ritik. There is no other child of Sh. Achhru Ram and Meena Kumar @ Neha. The true translation of the report is attached here with as Annexure A.*
- 2. That the deponent also sought a report from the office of Registrar Birth and Death, Municipal Council, Rajpura to enquire upon the subject cited above. He has submitted his report vide no. 2315 dated 2.9.2020 in which it is reported that the entry of birth of Ritik son of Achhru Ram and Meena Kumar @ Neha residents of house No. 386 Bharat Colony, Old rajpura, Tehsil rajpura District Patiala, is made at serial no. 889 dated 20.3.2001. Except the said entry there is no other entry of birth of any child of Mr. Achhru Ram and Meena Kumar @ Neha during the period 2000 to 2005. The true translation of the said report is attached herewith as Annexure B.*
- 3. That the deponent on the basis of the reports mentioned in para 1 and 2 hereby submits that no child other than Mr. Ritik (the petitioner) was born to his parents i.e*

Sh. Achhru Ram and Meena Kumari @ Neha during the period of 2000 to 2005.”

There is an affidavit of respondent No.1 to the effect that the photographs attached with the examination forms for the classes of 10 and 10+2 are of the petitioner. There is nothing placed on record by CBSE to explain the contradiction in certificates of class 10 and 10+2 issued by respondent No.1 having different mother's name.

In such circumstances, merely on technicality that the matter does not fall within the ambit of clause 69.1 of the CBSE bye laws i.e. it is not a spelling error or factual typographical error, petitioner should not be made to suffer. The identity of the candidate is not disputed. There is little doubt that the name of the mother of the petitioner is mentioned as Meena Kumar Alias Neha in birth certificate itself. The present petition is allowed. Respondent No.1 is directed to issue an amended matriculate certificate as soon as possible but not later than 15th November, 2020.

However, respondent No.1 would be at liberty if so desire to give a note on the new certificate issued that the same has been amended from Neha to Meena Kumari.

(AVNEESH JHINGAN)
JUDGE

22nd September, 2020
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No