

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-11005-2020
Date of Decision:-24.09.2020

Nitin Kumar

..... Petitioner

versus

Central Board of Secondary Education and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajat Mor, Advocate for the petitioner.

Mr. Kannan Malik, Advocate for respondent Nos.1 and 2.

SANJAY KUMAR, J. (Oral):

The petitioner is the son of one Sukhpal. However, the name of his father was entered wrongly as Sukhpal Singh in the school records. In consequence, the Central Board of Secondary Education (for short 'the CBSE') issued the petitioner's 10th and 12th class examinations' marksheets and his certificates, including his migration certificate, recording his father's name as Sukhpal Singh. The petitioner applied to the CBSE through his school, the third respondent, seeking correction of his father's name and for issuance of duly corrected marksheets and certificates. However, by letter dated 20.08.2019 (Annexure P-11) addressed to the Principal of the

petitioner's school, the Regional Office of the CBSE at Panchkula, Haryana, the second respondent herein, rejected the said request on the ground that the school record did not support the desired correction. Assailing the said communication, the petitioner filed the present writ petition. He also sought a consequential direction to the CBSE to carry out the necessary correction in its records and to issue the corrected marksheets and certificates of his 10th and 12th class examinations and also his corrected migration certificate.

The petitioner was a student of the Army Public School at Dagshai, Solan, Himachal Pradesh, the third respondent. He appeared for his 10th class examination in 2017 and his 12th class examination in 2019. When he was admitted in the Army Public School at Dagshai, the transfer certificate that was produced reflected the petitioner's father's name wrongly as Sukhpal Singh instead of Sukhpal. This mistake thereupon crept into the school records and in turn, the records of the CBSE. The petitioner claims that this mistake remained unnoticed till issuance of the 12th class mark-sheet. Thereupon, the school addressed letter dated 27.06.2019 to the CBSE's Regional Office at Panchkula seeking correction of the petitioner's father's name but to no avail. The petitioner placed on record proof of his father's name being Sukhpal and not Sukhpal Singh and asserted that this discrepancy in his school records would create myriad difficulties in due course not only in relation to his further studies and in securing a passport but also his future employment.

Bye-law 69 of the CBSE Examination Bye-laws, 1995, pertains to the correction of certificates. It states to the effect that correction in the

name, to the extent of spelling errors and factual typographical errors in the candidate's name/surname, father's name, mother's name or guardian's name, may be made in the certificate to make it consistent with what is given in the school record or the list of candidates submitted by the school.

The CBSE, through its Regional Office at Panchkula, filed a written statement opposing the petitioner's prayer. Referring to the aforesaid Bye-law 69, it pointed out that correction in a name could only be made in a certificate to make it consistent with what has been mentioned in the school record or the list of candidates that was submitted by the school. The CBSE then pointed out that the record of the third respondent school mentioned the petitioner's father's name as Sukhpal Singh. Further, the list of candidates submitted to the CBSE by the said school also mentioned the same name. It is on this basis that rejection of the petitioner's request for correction of his father's name was justified.

Significantly, it is not the claim of the CBSE that the plea of the petitioner for correction of his father's name is not genuine or that it not borne out by sufficient record. It is only on the strength of its own Bye-law that the CBSE states that the petitioner cannot seek change of his father's name. It is the admitted case of the petitioner that a mistake was committed by his parents while getting him admitted in the Army Public School at Dagshai as the transfer certificate produced by them at that time reflected his father's name wrongly as Sukhpal Singh. However, perusal of the material placed on record by the petitioner clearly manifests that his father's name is actually Sukhpal and not Sukhpal Singh. The petitioner's birth

certificate issued by the Sub-Registrar, Births & Deaths, City Zone, North Delhi, indicates that the petitioner's father's name was recorded therein as Sukhpal. The petitioner's Aadhar Card also reflects his father's name correctly. His father's matriculation certificate, Aadhar Card and service record are also produced in proof of his correct name.

This being the factual position, the rather pedantic approach of the CBSE in blindly insisting on strict implementation of its own Bye-law cannot be accepted. It is not the case of the CBSE that any incorrect particulars are sought to be projected by the petitioner or that any fraud is being perpetrated by seeking correction of his father's name. The CBSE does not dispute the validity of the petitioner's claim in this regard. It is only on the ground that the petitioner's parents made a mistake while getting him admitted in the third respondent school that the CBSE now asserts that the petitioner is estopped from seeking any correction contrary to the school record and its own inability to correct its records and issue proper certification in relation to the petitioner's 10th and 12th class examinations.

At this stage, it may be noted that this is not the first instance that the CBSE's refusal to effect corrections in such school certificates is falling for consideration before this Court. Perusal of the orders passed in CWP-23097-2017, CWP-27040-2017, CWP-26481-2017, CWP-1709-2017 and CWP-23270-2017 reflects that these were all cases where students had assailed such refusal of correction in their certificates but the CBSE was gracious enough to concede before this Court the relief of correction of the name of the father or mother or the surname of the student.

Mr. Kannan Malik, learned counsel for the CBSE, would argue that those cases are distinguishable as the school record supported such corrections, unlike the case on hand. However, this Court does not find it to be so. For instance, in CWP-23270-2017, titled '**Shikha Khaneja vs. Central Board of Secondary Education and others**', the petitioner therein had sought correction of her mother's name as Vipin Kumari Khaneja in the place of Sarita Khaneja. Admittedly, the mother had entered the wrong name in the school admission form at the time of her daughter's admission. Despite the same, the CBSE accepted the documentation produced in proof of the correct name and stated that it had no objection in carrying out the correction. Similar was the situation in CWP-26481-2017, titled '**Ekamvir Singh Chawla vs. Central Board of Secondary Education and others**'.

It is therefore not open to the CBSE to adopt a different stand only in the present case, on the ground that the school record also reflects the wrong name. That apart, when the petitioner's request is genuine and *bonafide* in itself and the obdurate refusal thereof by the CBSE not only results in an adverse impact upon him but also penalizes him for no fault of his, this Court cannot remain silent. Certificates of school education offered by the CBSE provide students the launching pad for further studies and career-building. This being the basic purpose of such certification, the CBSE cannot refuse to correct simple mistakes in the student's name or the names of the student's parents in such certificates, losing sight of the larger picture.

Further, it would be an exercise in futility to drive such a student to the long-drawn and time consuming process of securing a decree from the competent civil Court, accepting his/her claim for such correction.

On the above analysis, the hidebound attitude of the CBSE in refusing the request of the petitioner, though it does not deny the genuineness of his claim, cannot be countenanced.

The writ petition is accordingly allowed setting aside the impugned refusal letter dated 20.08.2019. In consequence, there shall be a direction to the CBSE to correct the name of the petitioner's father in its records as 'Sukhpal' and to issue fresh certificates, marksheets and a migration certificate to the petitioner duly incorporating his father's correct name. This shall be done within 7 days of the return of the petitioner's present original marksheets and certificates. Further, the CBSE shall record in the new marksheets and certificates that *'the correction in respect of the father's name is carried out as per the order of the High Court of Punjab and Haryana in CWP-11005-2020'*.

In the circumstances, there shall be no order as to costs.

(SANJAY KUMAR)
JUDGE

September 24, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No