

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 - CWP-14914-2020 (O&M)

Date of Decision: 21.12.2020

Husanjeet Singh

... Petitioner

VS.

CBSE & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Mohit Sadana, Advocate for the petitioner

Mr. BS Seemar, Advocate for the respondents

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner-Husanjeet Singh, stated to be aged 18 years, has filed the present writ petition *inter alia*, praying for quashing of the letter dated 06.01.2020 (P3) passed by respondent No.2 whereby petitioner's claim for change of name of his parents has been declined.

Record shows that notice of motion in this case was issued on 21.09.2020 and the respondents have filed their reply.

Learned counsel for the respondents make reference to Annexure R1 and specifically refers to Rule 96 of the CBSE Examination Byelaws. Rule 69 of the said Byelaws reads as under:-

"69.1(ii)

(Correction in candidate Name, Mother Name & Father Name)

ii) 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 candidates (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 record 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."

Counsel for the respondents submits that since the above documents have not been appended and based upon the documents available, the respondents had no option but to reject the petitioner's request.

In view of the above, the present writ petition is disposed of with the following directions:-

- (i) the petitioner may approach the concerned school authorities to issue the documents (as desired by the CBSE in view of Rule 69.1(ii) *ibid*), after examining the documents submitted by the petitioner.
- (ii) It is further directed that in case the petitioner and his representatives/parents apply for issuance of necessary

certificates to the concerned school, the necessary certificates, as desired, under Rule 69.1(ii) *ibid*, shall be issued in accordance with law by the school authorities within one month from the date of receipt of request.

- (iii) After the receipt of the above documents from the school, if the applicant-petitioner applies to the respondents, the respondents are directed to examine the same in accordance with law and decide the claim within one month thereof.

With these observations and directions, the writ petition stands disposed of.

So ordered.

21.12.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No