

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

C.W.P.No.25277 of 2019

Date of Decision:- 30.01.2020

Jasnoor Kaur Batth,

....Petitioner

vs.

Union of India and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Raj Partap Singh Brar Advocate and
Mr. Manveen Narang, Advocate,
for the petitioner.

Mr. Sudhir Nar, Advocate,
for Union of India-respondent No.1.

Mr. Naveen Chopra, Advocate,
for CBSE-respondents No.2 and 3.

Sudhir Mittal, J. (Oral)

The petitioner was a student of Carmel Convent School, Sector 9, Chandigarh. She qualified her Class X examination in the year 2013 and the Class XII examination in the year 2015. In the Class X certificate, the name of the petitioner is mentioned as 'Jasnoor Kaur' that of her mother is mentioned as 'Rupinder Kaur' and that of her father is mentioned as 'Jaskaranjit Singh'. In the Class XII certificate, the respective names are 'Jasnoor Kaur Batth', 'Rupinder Kaur Batth' and 'Jaskaranjit Singh Batth'. Subsequently, the petitioner completed her graduation from Panjab University, Chandigarh, and in the degree certificate, her name as well as the

names of her parents are mentioned in consonance with the names mentioned in the Class XII certificate. In the year 2017, the petitioner applied to her school for addition of the surname 'Batth' in the Class X certificate also. The school forwarded the application to respondent No.2 vide request letter dated 27.11.2017. However, no action was taken thereupon and thus, the school sent another request letter dated 18.1.2019. With reference to the second request for correction, a communication dated 22.3.2019 has been sent by Central Board of Secondary Education (hereinafter referred to as the 'CBSE') that the request could not be accepted as the school record did not support the desired correction. Hence, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that in all subsequent documents such as Aadhar Card, Passport etc., the name of the petitioner as well as that of her parents contain the surname 'Batth'. The only discrepancy occurs in the Class X certificate and in case the same is corrected, all the documents will be in consonance with each other. It was only on account of inadvertence that the surname 'Batth' was excluded while registering the details for the Class X examination. The mistake may, thus, be corrected.

3. Learned counsel for respondents No. 2 and 3 submits that there is an inordinate delay in filing the application for correction. The first application is dated 27.11.2017 and Rule 69.1 (ii) of the Examination Bye-Laws prohibits the acceptance of any application for correction after expiry of a period of one year from the date of passing of the examination. Further, the error, if any, cannot be classified as a typographical error and the CBSE only has the authority to correct spelling errors/factual typographical errors under the aforementioned rules. Thus, the prayer of the petitioner cannot be

accepted.

4. A perusal of order dated 22.3.2019 shows that the reason given for rejecting the request of the petitioner is that the school record does not support the desired correction. This assertion is perverse on the face of it. The Class XII certificate issued by CBSE itself records the surname 'Bath' against the name of the petitioner as well as against her parents name. The entries in the said certificate are based on the school record only and thus, the CBSE cannot say that the case is not supported by the school record. No ground of limitation has been taken nor has it been held in the said order that the CBSE lacks authority in view of the provisions of Rule 69.1 (ii) of the Examination Bye-Laws. The order cannot be supplemented by oral arguments.

5. That apart, all other documents of the petitioner as well as her parents corroborate the fact that the surname 'Bath' is mentioned after the first name. Identity of the parties is not in dispute. If the correction is made, all documents would be in consonance with each other and confusion at any later stage can be avoided.

6. For the aforementioned reasons, the writ petition is allowed. The CBSE is directed to make the necessary correction in the Class X certificate of the petitioner within a period of eight weeks from the date of receipt of certified copy of the order.

January 30, 2020

poonam

(SUDHIR MITTAL)

JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No