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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 163/2019**

MOHDMAD ATIBUR RAHMAN

..... Petitioner

Through: Mr. Imran Moulaey, Advocate.
versus

**CENTRAL BOARD OF SECONDARY EDUCATION AND
ANR.**

..... Respondents

Through: Mr. Ashok Kumar, Advocate for
respondent no. 1/CBSE.
Mr. Tulsi Ram, Admin officer of
respondent no. 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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23.01.2020

1. This is a writ petition in which the following substantive prayers have been made:-

“A. Quash the letter dated 29/11/2018 issued by the Respondent No. 1 rejecting the application of the Petitioner for correction of his father's name in the marks sheets of Class 10th & Class 12th ;

B. Declare that the Petitioner is entitled to correction in the name of his father from Anisur Rahman to Mohammad Anisur Rahman as per old Bye-Laws dated 27/06/2011 with consequential directions in the nature, of writ of mandamus or any other directions to the Respondent No. 1 to issue a corrected Secondary School Examination Grade cum Performance Certificate & Class 12th marks sheet and all other documents to the petitioner reflecting the name of his father as 'Mohammad Anisur Rahman;”

2. Notice in this petition was issued on 01.11.2019.
3. Despite which the CBSE has not filed a counter-affidavit in the matter.
4. As would be seen upon perusal of the prayers all that the petitioner requires is correction of his father's name in the Grade X and XII certificates issued by the CBSE.
5. Mr. Ashok Kumar, who appears on behalf of CBSE, says that this is a case of change in name and not where correction is sought and therefore, at this stage no relief can be granted to the petitioner as the timeframe provided in the bye-law 69.1 (ii) has elapsed.
6. On the other hand, the petitioner in support of his case has filed a slew of documents all of which point in the direction that the petitioner's father's name is "Mohammad Anisur Rahman" and not "Anisur Rahman".
 - 6.1 The documents relied upon by the petitioner concern both his father and himself.
 - 6.2 Insofar as the father is concerned, the petitioner relies upon his father's passport, Aadhar card, and Pan card.
 - 6.3 As regards his own documents, the petitioner relies upon his Aadhar card, Pan Card, Character Certificate and School leaving Certificate, transfer certificate issued by his former school (i.e. K.R. Mangalam World School), and the extract of the admission and withdrawal form.

7. As noted above, in each of these documents, the petitioner's father's name is given as "Mohammad Anisur Rahman".

8. As a matter of fact, when arguments in this matter were heard on 27.09.2019, counsel for the petitioner had produced before me a registration certificate which facially appeared to have been issued by the CBSE.

8.1 On that date, counsel for the CBSE had sought time to revert with instructions.

8.2 This document disclosed the petitioner's father's name as "Mohammad Anisur Rahman".

8.3 The matter was, thereafter, taken up on 23.10.2019 when, counsel for the CBSE had sought further time to obtain instructions in the light of the directions issued on 27.09.2019.

9. Today, counsel for the CBSE says that despite several communications sent to the concerned officer in the CBSE, he has not received any instructions with regard to this particular document.

10. This document, as noted hereinabove, only establishes that the plea taken by the petitioner is correct.

11. Since CBSE has chosen not to take a position with regard to the document, one can only arrive at an adverse inference, which is, that document is genuine.

12. Given this position, I tend to agree with the counsel for the petitioner.

13. This is a case involving correction of the name and the mistake that had crept in the petitioner's Grade X and XII certificates is on account of a typographical error.

14. Such mistakes are covered by the bye-law 69.1(ii), which reads as follows:-

“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.”

15. I may also indicate in the context of the bye-law 69.1(ii) that in the first instance even in the List of Candidates (in short “LOC”) submitted by respondent no. 2 school, the name of the petitioner's father is set out as “Mohammad Anisur Rahman”

15.1 Thereafter the first part of the name i.e. “Mohammad” has been scratched out for reasons which are not known even to the counsel for the CBSE.

16. I may also indicate that the respondent CBSE with its counter-affidavit has filed the admission form submitted on behalf of the petitioner by his parents at the time when admission was granted to him by respondent no. 2 school. In this document, as well, the name of the petitioner's father is shown as “Mohammad Anisur Rahman”.

17. Given this position, it is clear that there is overwhelming documentary proof which establishes that the petitioner's father's name is “Mohammad Anisur Rahman” and somewhere down the line,

a typographical error occurred (not on account of the petitioner or his parents) which resulted in the petitioner's father's name being wrongly noted as "Anisur Rahman"

18. Thus for the foregoing reasons, I am not inclined to accept the submission advanced by counsel for the respondent CBSE that this case presents a set of facts seeking change/alteration in the name and not a correction of the name.

19. Accordingly, the prayers made in the captioned petition are allowed.

20. The CBSE will issue Grade X and XII certificates to the petitioner with the requisite correction. The petitioner's father's name will appear as "Mohammad Anisur Rahman"

21. There shall be no order as to cost.

22. The Registry will also take note of the memo of parties filed with the petition and correct the petitioner's name as shown in the cause title and cause list.

23. The petitioner will fulfil the formalities as required under the extant rules and regulations.

24. Needless to add, the CBSE will comply with the directions of this Court within four weeks of the receipt of copy of the order.

25. The writ petition is disposed of in the aforesaid terms.

JANUARY 23, 2020

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RAJIV SHAKDHER, J