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

+ **W.P.(C) 1148/2018**

SUNIL

..... Petitioner

Through: Mr. Arjun Mitra, Adv.

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION, DELHI AND ORS.**

..... Respondent

Through: Mr. Ujjwal Goel with Mr. Ashok
Kumar, Advs. for R-1/CBSE.
Mr. Surinder Singh, Librarian, Govt.
Boys Secondary School, J.J. Colony,
Madanpur Khader Ext., Delhi./R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
28.02.2020

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1. The limited plea of the petitioner in the instant petition is that his father's name in Class X and XII certificates has wrongly been recorded and therefore, the same should be corrected.
2. According to the petitioner, there is a typographical error in recording his father's name. The petitioner avers that his father's name is "Prem Chand" while it has been incorrectly shown as "Prem Chandra" in Class X and XII certificates issued by respondent No.1 i.e. Central Board of Secondary Education (in short "CBSE").
3. Notice in this petition was issued on 7.2.2018. Since then, CBSE has filed its counter affidavit. Though respondent No.3 has been served, it is

W.P.(C) 1148/2018

1/4

not represented. Insofar as respondent No.2 school is concerned, it is represented by an official, by the name Mr. Surinder Singh, who, says he is employed as a Librarian in respondent No.2 school.

4. The petitioner in support of his case has relied upon the following documents to demonstrate that his father's name is Prem Chand:

- (i) Voter I.D. Card;
- (ii) Birth certificate issued by the Government of Rajasthan, Directorate of Economics and Statistics
- (iii) Electricity bill dated 19.2.2019 issued by BSES
- (iv) Father's caste certificate issued by the Court of Assistant Collector and Executive Magistrate, Bandikui
- (v) Domicile certificate issued by the officials of the Sub Divisional Magistrate, Dausa, District Jaipur (Rajasthan).
- (vi) Aadhar Card.

4.1 In all these documents, the name of the petitioner's father is shown as Prem Chand.

5. On the other hand, Mr. Ujjwal Goel, who appears for the CBSE relies upon the following documents filed by respondent Nos.2 and 3 schools to demonstrate that the petitioner's father's name as furnished to CBSE was Prem Chandra and not Prem Chand:

- (i) List of candidates furnished by respondent No.2 school
- (ii) Application for gaining admission in respondent No.3 school
- (iii) The document appended on page 45 of the paper book. This is a document which sets out the subject and the grade points

awarded to the petitioner.

6. Furthermore, Mr. Goel says that in terms of Bye-laws 69.1(ii), change in name is not permissible. According to Mr. Goel, the petitioner seeks change in name and not correction in his father's name.

7. Having heard the counsel for the parties and perused the record, to my mind, the stand taken by the CBSE is not correct. The reason why I say so is that there are two vital documents which CBSE has filed on its own that tell a different tale.

7.1 First, is the application for admission. Second, is the document, which is appended on Pg.45 of the paper book as noticed hereinabove. This document, as indicated above, gives grade points to the petitioner qua various subjects. In both the documents, though, in the body where details are filled up in English, the petitioner's father name is given as Prem Chandra, at the foot, the documents bear a signature, *albeit* in Hindi, which is indicative of the fact that the name of petitioner's father is Prem Chand.

8. It is obvious that whoever filled the body of the document made a mistake.

9. The record seems to suggest that the petitioner's family hails from a modest background. The fact that the petitioner made a representation via respondent No.2 school to the CBSE on 6.11.2017 shows that the petitioner had taken steps within a reasonable time to seek a correction of his father's name.

10. It is not disputed that the petitioner passed out from class X in 2013 and from class XII in 2015. As per Bye-laws 69.1(ii), *inter alia*, correction

in the name of the father is possible within a period of five years so as to make it consistent with school record or the list of candidates. In this case, it is obvious that respondent No.2 school made a mistake in filling out the petitioner's father's name as Prem Chandra as against Prem Chand in the list of candidates. This fact also emerges upon perusal of the copy of the application dated 16.11.2017 preferred by respondent No.2 school with the CBSE. In this application, respondent No.2 school concedes that it made a mistake in filling out the name of the petitioner's father in the Admission Withdrawal Register.

11. Thus, for the foregoing reasons, the prayer made in the petition is allowed.

12. The CBSE will issue to the petitioner fresh class X and XII certificates wherein the name of the petitioner's father will be shown as Prem Chand as against Prem Chandra.

13. The petitioner will deposit the original certificates, presently, in his possession with the CBSE. The correction, as indicated above, will also be carried out in the petitioner's mark sheets.

RAJIV SHAKDHER, J

FEBRUARY 28, 2020/pmc