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

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Date of Decision: 19.11.2020

+ W.P.(C) 10555/2019 & CM APPL. 19691/2020

NIKUMONI

... Petitioner

Through Ms.Santwana Agarwal and Mr.Ravi  
Rai, Advs.

versus

CENTRAL BOARD OF SECONDARY EDUCATION (CBSE)

AND ANR

... Respondents

Through Mr.Atul Kumar, Adv. for R-1/CBSE.  
Mr.Abdhesh Chaudhary for Mr.Om  
Prakash Shukla, Adv. for R-2/KVS.

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**JAYANT NATH, J. (Oral)**

This hearing is conducted through video conferencing.

**CM APPL. 19691/2020**

This is an application for early hearing.

Application is allowed.

The matter is taken up for hearing.

**W.P. (C) 10555/2019**

1. This writ petition is filed by the petitioner seeking quashing of letter dated 08.04.2019 and appropriate direction to the respondent/Board to rectify the errors in the name of the petitioner and her mother in the certificates relating to Class 10<sup>th</sup> and Class 12<sup>th</sup> and consequently to issue to her fresh certificates and mark-sheets by correcting the same as Nikumoni and Mrs.Manjuwara Begum respectively.
2. The case of the petitioner is that she passed the Class 10<sup>th</sup> Secondary Examination in 2014 and Class 12<sup>th</sup> in 2016. Presently the name as stated in the record is Nikumone whereas the petitioner seeks to change it to Nikumoni Begum. Similarly, the mother's name has been spelt out as Manjula which is sought to be changed to Manjuwara Begum. It is pleaded that these names were added on a mistake as the father of the petitioner is in a transferable job working in CISF. Because of frequent transfers in the transfer certificate the names were wrongly spelt out.
3. Reliance is placed on circular dated 10.11.2017 which has modified the original circular dated 25.06.2015 which states that correction in date of birth and the correction in the candidate's mother and father name can be entertained only within five years. It is strongly urged that this is only a typographical mistake/error in the name which is sought to be corrected and there is no change of name which is sought to be carried out.
4. It has also been pointed out that in 2015 the petitioner got the correct name published in the official Gazette of India. I have also been shown the Aadhaar Card of the petitioners, the Pan Card and voter card of the mother

to show that the name which is sought to be corrected is also reflected in the aforesaid official documents.

5. Learned counsel for the respondent has taken me through the counter affidavit. He has pleaded that even in the school records the name of the petitioner and the mother is the same as is now reflected in the certificates issued for the tenth class and twelfth class. The petitioner at no stage protested and now belatedly sought to protest. It is stated that this is not a *bona fide* mistake to warrant exercise of powers under notifications in question for correction of alleged errors in the name.

6. In the aforesaid context, reference may be had to the judgment of the Division Bench of this court in the case of ***Imran Ali Khan vs. Central Board of Secondary Education*** MANU/DE/0469/2019. In that case the Division Bench of this court was considering a case where a request was made for change of the mother's name from "Kiran Khan" to Fakiha Khan". In those facts the Division Bench held as follows:

“6. The adoption of a strict and restrictive approach in the matter of change or correction of name of the candidate or his/her parents, in the certificates issued by the respondent No. 1, cannot be justified on the foundation that such changes, when made later, may be exploited to mislead all concerned about the identity of the candidate. Such a strict and restrictive approach cannot be justified merely on the ground of some administrative inconvenience. After all, respondent No. 1 charges the fee to cover its costs for undertaking such an exercise. In the present case, there is no possibility of the identity of the candidate Filza Khan being changed by permitting the change of name of her mother from "Kiran Khan" to Fakiha Khan", since the name of the child/candidate; the name of the father; the date and place of birth, continue to remain the same. Even the name of the mother - which is now sought to be brought on record, is the real name of the mother which has always remained so and the same name

of the mother is also reflected in the Birth Certificate of the child/candidate Filza Khan. In fact, the non-amendment of the name of the mother of the child/candidate from "Kiran Khan" to "Fakiha Khan" would, in future, lead to confusion and may mar the future prospects of the child/candidate while seeking admissions to institutions of higher education, or employment.”

7. A co-ordinate bench of this court in the case of ***Hemant Nimesh Vs. Central Board of Secondary Education & Ors.*** MANU/DE/1947/2019 while also dealing with the change of name/correction in the name to be done by respondent/CBSE noted the statutory rules of CBSE and held as follows:

“5.In all such cases, the attempt of the court, in the first instance, is to ascertain whether the request of the candidate is for "change" in name or "correction" in name. Thereafter, the court is required to adopt a common sense approach. Where the records indicate that the request of the candidate is genuine, technical considerations ought not to stand in the way of the court granting relief as sought.”

8. In my opinion, the present case is a clear case of only a correction in spelling of the names and cannot be said to be a case of change of name. As noted by the Division Bench in the above noted judgment a strict and restrictive approach need not be adopted in such matters of correction of names.

9. The writ petition is accordingly allowed. The respondent may make the necessary corrections in the name of the petitioner which will now read as “Nikumoni Begum” and the name of the mother would read as “Manjuwara Begum”. The petitioner will submit the original documents to the respondent/CBSE to enable the said respondent to carry out the

necessary corrections.

10. Petition is accordingly disposed of. All other pending applications, if any, are also disposed of.

**JAYANT NATH, J.**

**NOVEMBER 19, 2020/st**

HIGH COURT OF DELHI



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