



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.7.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.9655 of 2021

Aditya Krishna Sunkara
S/o.Sarvesh Sunkara,
Door No.1, 3rd Trust Link Street,
Raja Annamalaipuram,
Chennai 600 028.

...Petitioner

Vs.

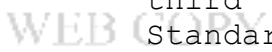
- 1 The Union of India
Rep. by (Joint) Secretary, School Education
Department and Literacy,
217 - C Shanthi Bhawan New Delhi 110001.
- 2 The Regional Officer,
Central Board of Secondary Education,
Regional Office, New No.3 J- Block,
Anna Nagar (west) Chennai 600 040.
- 3 The Principal
Chetnad Vidyashrom, Raja Annamalaipuram
Chennai 600 028.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of mandamus, directing the 2nd respondent for the change of petitioner name in the Xth and XIIth Std mark Sheets as per the Tamil Nadu Gazatee No.52 and Notification dated 25/12/2019 Serial No.27524 within a time frame may be fixed by this Court.

For Petitioner : Mr.J.Naresh Kumar

For Respondent No.2 : Mr.Nagarajan



ORDER

According to the petitioner, petitioner has studied at the third respondent school till XII Standard and completed XII Standard in the academic year 2017-18. The petitioner made an application to change his name and as per Government Gazette publication, dated 25.12.2019, his name was changed as Aditya Krishna Sunkara. Subsequently, the petitioner has made a representation to the respondents to change his name in Xth and XIIth Std. Mark sheets as Aditya Krishna Sundara and the said application still pending before the authorities. Therefore, the petitioner has filed the present writ petition. In support of his contention, the learned counsel appearing for the petitioner relied on the judgment of the Hon'ble Supreme Court in JIGYA YADAV (MINOR) THROUGH GUARDIAN/FATHER HARI SINGH VS. C.B.S.C. (CENTRAL BOARD OF SECONDARY EDUCATION) & ORS. [CIVIL APPEAL NO.3905 OF 2011] wherein the Hon'ble Supreme Court has held as under:

'170. The first is where the incumbent wants "correction" in the certificate issued by the CBSE to be made consistent with the particulars mentioned in the school records. As we have held there is no reason for the CBSE to turn down such request or attach any precondition except reasonable period of limitation and keeping in mind the period for which the CBSE has to maintain its record under the extant regulations. While doing so, it can certainly insist for compliance of other conditions by the incumbent, such as, to file sworn affidavit making necessary declaration and to indemnify the CBSE from any claim against it by third party because of such correction. The CBSE would be justified in insisting for surrender/return of the original certificate (or duplicate original certificate, as the case may be) issued by it for replacing it with the fresh certificate to be issued after carrying out necessary corrections with caption/ annotation against the changes carried out and the date of such correction. It may retain the original entries as it is except in respect of correction of name effected in exercise of



WEB COPY

right to be forgotten. The fresh certificate may also contain disclaimer that the CBSE cannot be held responsible for the genuineness of the school records produced by the incumbent in support of the request to record correction in the original CBSE certificate. The CBSE can also insist for reasonable prescribed fees to be paid by the incumbent in lieu of administrative expenses for issuing fresh certificate. At the same time, the CBSE cannot impose precondition of applying for correction consistent with the school records only before publication of results. Such a condition, as we have held, would be unreasonable and excessive. We repeat that if the application for recording correction is based on the school records as it obtained at the time of publication of results and issue of certificate by the CBSE, it will be open to CBSE to provide for reasonable limitation period within which the application for recording correction in certificate issued by it may be entertained by it. However, if the request for recording change is based on changed school records post the publication of results and issue of certificate by the CBSE, the candidate would be entitled to apply for recording such a change within the reasonable limitation period prescribed by the CBSE. In this situation, the candidate cannot claim that she had no knowledge about the change recorded in the school records because such a change would occur obviously at her instance. If she makes such application for correction of the school records, she is expected to apply to the CBSE immediately after the school records are modified and which ought to be done within a reasonable time. Indeed, it would be open to the CBSE to reject the application in the event the period for preservation of official records under the extant regulations had expired and no record of the candidate concerned is traceable or can be reconstructed. In the case of subsequent amendment of school records, that may



WEB COPY

occur due to different reasons including because of choice exercised by the candidate regarding change of name. To put it differently, request for recording of correction in the certificate issued by the CBSE to bring it in line with the school records of the incumbent need not be limited to application made prior to publication of examination results of the CBSE.

171

172. In light of the above, in exercise of our plenary jurisdiction, we direct the CBSE to process the applications for correction or change, as the case may be, in the certificate issued by it in the respective cases under consideration. Even other pending applications and future applications for such request be processed on the same lines and in particular the conclusion and directions recorded hitherto in paragraphs 170 and 171, as may be applicable, until amendment of relevant Bye laws. Additionally, the CBSE shall take immediate steps to amend its relevant Bye laws so as to incorporate the stated mechanism for recording correction or change, as the case may be, in the certificates already issued or to be issued by it.''

2. In the said judgment, the Hon'ble Supreme Court also directed C.B.S.E. to process the applications for correction or change, as the case may be, in the certificate issued by it in the respective cases under consideration. In the present writ petition also, the petitioner has filed similar application and the same is pending before the C.B.S.E. Viz., second respondent herein.

3. In the light of the judgment cited supra, this Court is inclined to direct the second respondent to consider the petitioner's representation, dated 4.2.2021 and pass appropriate orders on merit as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order. It is open to the petitioner to submit additional documents if any, before the third respondent school and the same shall be forwarded to the second respondent by the third respondent within a period of one week from the date of receipt



of a copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vaan

To

- 1 The Joint Secretary, Union of India,
School Education Dept.and Library, 21/-C,
Shanthi Bhawan, New Delhi 110 001.
2. The Regional Officer,
Central Board of Secondary Education,
Regional Office,
New No.3 J-Block, Anna Nagar (West)
Chennai 600 040.

+1cc to M/S.J.Naresh Kumar, Advocate, S.R.No.33807

W.P.No.9655 of 2021

GMI (CO)
SU(30/07/2021)