

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6482-CWP-2021 in/and
CWP-4842-2021 (O&M)
Date of decision: 07.05.2021

SURYA PRATAP SINGH PURI

.....Petitioner

versus

CENTRAL BOARD OF SECONDARY EDUCATION (CBSE) AND
ORS

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Raj Kumar Bhatia, Advocate
for the petitioner.

Mr. Naveen Chopra, Advocate
for the respondents.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

Petitioner-Surya Pratap Singh Puri, stated to be aged 26 years has filed the present writ petition *inter alia* with a prayer for quashing the order dated 18.02.2021 (Annexure P-4) vide which the request of correction in the spelling in name of petitioner has been wrongly rejected; with a further prayer to direct the respondents No.1 and 2 to correct the spelling from 'SINHG' to 'SINGH' in the certificate bearing Roll No.2657050 dated 28.05.2012 (Annexure P-1) issued by respondent No.1 in Sessions May 2012 for the examination of 12th Class as well as in the mark sheet issued by the respondents No.1 and 2.

Records of the case show that vide order dated 02.03.2021, this

Court had issued notice of motion for 26.07.2021. Thereafter, on 08.04.2021, the case was however adjourned to 30.04.2021, but, as per the orders of this Court, due to COVID-19 situation, all cases listed on 30.04.2021 were adjourned to 19.08.2021.

CM No.6482 of 2021 has been filed by the petitioner *inter alia* with a prayer for preponing the main writ petition from 19.08.2021 to some early date.

Notice of the application.

On asking of the Court, Mr. Naveen Chopra, Advocate, accepts notice on behalf of respondents and he has no objection if the present application is allowed.

In view of the above and for the reasons mentioned in the application, the same is allowed and date of hearing in the main case is preponed from 19.08.2021 to today i.e. 07.05.2021. Main case is taken on board today itself.

Learned counsel for the petitioner by making reference to the pleadings in the petition, submits that petitioner passed 12th class in the Session May 2012. Thereafter, petitioner got admission at Bicol Christian College of Medicine (as stated by learned counsel for the petitioner the said College is in Philippines) in the course of MBBS. He passed his MBBS Course on the correct name i.e. Surya Pratap 'Singh' Puri. The petitioner accordingly applied for eligibility certificate with the National Medical Commission, Delhi (which was issued on 14.12.2020-Annexure P-2). It is pleaded that before the issuance of the said certificate, the Commission had informed the petitioner that the name of the petitioner i.e. spelling of 'SINGH' in the mark-sheet issued by CBSE/respondents No.1 and 2, has

been named as 'SINHG'. He submits that in the Matriculation Certificate, it has been correctly mentioned as 'SINGH'. Accordingly, the petitioner made a request, which as per procedure, was to be considered and forwarded by the School-respondent No.3 to respondents No.1 and 2. Vide Letter dated 07.01.2021 (Annexure P-3), respondent No.3 referred the matter to respondents No. 1 and 2.

Learned counsel for the respondents submits that in fact, respondents No.1 and 2 had rightly not considered the request for change. He firstly submits that Annexure R-1 dated 26.08.2010 itself shows that petitioner had signed the said form, where the spellings against his name were 'SINHG'. He secondly, by making reference to Notification dated 01.02.2018 (Annexure R-3), submits that as per Rule 69.1 (ii), the correction in the name to the extent of correction in spelling errors, factual typographical errors in the candidate's name/surname, to make consistent with what is given in the school record or list of candidate submitted by the School, may be made. It is however submitted that application for the correction, will be considered within only within 5 years from the date of declaration of the result. He submits that in the present case, the application has been made in 2021 i.e. after more than 5 years.

In view of the peculiar facts and circumstances noticed above, this Court is inclined to accept the request made by the petitioner.

Accordingly, the writ petition is **allowed**.

The petitioner was pursuing his studies at Russia (2012 to 2020) for all these years (where no such objection of the spellings in the surname was raised). Thus, he cannot be deprived of seeking correction in the certificate from CBSE only on the ground that he has made a request

after more than 5 years. This Court would also like to issue direction to the CBSE to make the correction in view of the fact that even in the Matriculation Certificate, the spellings of the surname are 'SINGH'. Thus, if the correction is made by the CBSE in accordance with law, without insisting upon the limitation, the petitioner would be able to claim correction in the surname which would make it consistent with, what is given in the school record/Matriculation Certificate. Thirdly, it is also relevant to record that in fact, the respondent-CBSE has not disputed the identity of the petitioner.

Accordingly, respondents No.1 and 2 are directed to consider the application of the petitioner in accordance with law for correction in the surname of the petitioner in the certificate of 12th class (Annexure P-1) without insisting upon the issue of the limitation. The necessary correction in the surname, (if respondents No.1 and 2 find that the petitioner is entitled to), shall be carried out as expeditiously as possible preferably within a period of **six weeks** from the date of receipt of certified copy of the order.

Ordered accordingly.

(Girish Agnihotri)
Judge

07.05.2021

anju rani/Shruti

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No