

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10821 of 2021

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Anima Anand Daughter of Manoj Kumar, Resident of House No. 416/1,
Road No. 4A, Magistrate Colony, P.O.- Ashiana Nagar, P.S. Rajeev
Nagar, District - Patna - 800025.

... .. **Petitioner**

Versus

1. The Central Board of Secondary Education Patna Region.
2. Delhi Public School, Lodipur, Chandmari, Shahpur, Danapur, Patna.

... .. **Respondents**

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Appearance :

For the Petitioner/s : Mr.Sourav Suman, Advocate
For the Respondent/s : Mr.Vinay Krishna Tripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-08-2023 Learned counsel for the petitioner undertakes to file the affidavited copy of the original writ petition within four weeks from today.

2. This Court has been informed that the original petition, copy of which was filed online, has been lost by learned counsel in his office during the Covid-19 period, this Court permits him to file a fresh affidavited petition to remove the defect no. 67 with the aforesaid period.

3. In the nature of the grievance of the petitioner, this Court has heard learned counsel for the petitioner and learned counsel for the Central Board for Secondary Education (in short the “CBSE”).

4. Petitioner, in the present case, is seeking a minor



correction in the name of her mother. It is stated that the correct name of her mother is Asha Kumari Singh whereas in the certificate issued to her by the CBSE, her mother's name has been mentioned as Asha Singh. The difficulty in the correction is that in the school record also the name of the mother of the petitioner is mentioned as Asha Singh.

5. Learned counsel for the CBSE submits that earlier the request of the petitioner to incorporate the correct name in her certificate was rejected by the CBSE, but, thereafter the Hon'ble Supreme Court has opined in the case of **Jigyasa Yadav (Minor) (through guardian/father Hari Singh) Vs. Central Board of Secondary Education and Others** reported in (2021) 7 SCC 535 that in the cases where the particulars intended to be recorded in the CBSE certificate are on the basis of public documents like birth certificate, Aadhar Card, Election Card etc. and the change required is consistent therewith, the CBSE may entertain the request for recording a change in the certificate issued by it.

6. Learned counsel, therefore, submits that if the petitioner applies afresh for carrying on the change in her certificates, the same will be considered keeping in view the judgment of the Hon'ble Supreme Court.



7. Having regard to the grievance of the petitioner and the submissions made on behalf of the CBSE, this Court has noticed the judgment of the Hon'ble Supreme Court in the case of **Jigya Yadav** supra). Paragraph 194 and 194.1 would be relevant for purpose of this case, therefore, those are being reproduced hereunder for a ready reference:-

“194. As regards request for “*change*” of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. Such a request could be made in two different situations. The first is on the basis of public documents like birth certificate, Aadhaar card, election card, etc. and to incorporate change in the CBSE certificate consistent therewith. The second possibility is when the request for change is due to the acquired name by choice at a later point of time. That change need not be backed by public documents pertaining to the candidate.

194.1. Reverting to the *first category*, as noted earlier, there is a legal presumption in relation to the public documents as envisaged in the 1872 Act. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the request for recording change in the certificate issued by it. This, however, need not be unconditional, but subject to certain reasonable conditions to be fulfilled by the applicant as may be prescribed by the CBSE, such as, of furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing public notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/return of the original certificate (or duplicate original certificate, as the case may be) by the applicant. The fresh certificate may contain disclaimer and caption/annotation against the original



entry (except in respect of change of name effected in exercise of right to be forgotten) indicating the date on which change has been recorded and the basis thereof. In other words, the fresh certificate may retain original particulars while recording the change along with caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).”

8. This Court, therefore, disposes of this writ application with liberty to the petitioner to apply afresh with the CBSE for correction of her mother’s name in the certificate issued by the CBSE. If such a request is made with prescribed fee, if any, within a period of one month from the date of submission of application and fee, the same will be considered by the CBSE and necessary correction shall be carried out in the certificates on the basis of public documents showing the name of the mother as Asha Kumari Singh within another one month.

9. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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