

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9631 of 2023

1. Ashifta Parween alias Tara Shamim Daughter of Late Abdul Qadeer, Wife of Md. Shamim, Resident of Mohalla-Sadar Gali, Banwari Tola, P.s.-Khaje Kalan, Patna City, District-Patna.
2. Md. Shamim, Son of Late Abdul Halim, Resident of Mohalla-Sadar Gali, Banwari Tola, P.s.-Khaje Kalan, Patna City, District-Patna.
3. Md. Shayaan Shamim, Son of Md. Shamim, through natural Guardian (Mother), Ashifta Parween alias Tara Shamim, Resident of Mohalla-Sadar Gali, Banwari Tola, P.s.-Khaje Kalan, Patna City, District-Patna.

... .. Petitioners

Versus

1. The Central Board of Secondary Education through the Chairman, Siksha Kendra-2, Community Centre, Preet Vihar, New Delhi-110092.
2. Secretary, Central Board of Secondary Education, Siksha Kendra-2, Community Centre, Preet Vihar, New Delhi-110092.
3. Regional Officer, Regional Office, Central Board of Secondary Education, Ambika Complex, behind State Bank Colony, Near Brahm Asthan, Sheikhpura, Raja Bazar, Bailey Road, Patna-800014.
4. Assistant Secretary, Regional Office, Central Board of Secondary Education, Ambika Complex, behind State Bank Colony, Near Brahm Asthan, Sheikhpura, Raja Bazar, Bailey Road, Patna-800014.
5. Kendriya Vidyalaya Kankarbagh Patna Bihar (Kendriya Vidyalaya-1), Kankarbagh, Patna, Kendriya Vidhyalya Sangathan, R.O., Patna.
6. Principal Kendriya Vidyalaya Kankarbagh, Patna Bihar (Kendriya Vidyalaya-1), Kankarbagh, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Rashid Izhar, Advocate
For the CBSE	:	Mr.Vinay Krishna Tripathy, Advocate
For the KVS	:	Mr. Kumar Kavish, Advocate
		Mr.G.K. Agrawal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners, learned counsel for the Central Board of Secondary Education and learned counsel for the Kendriya Vidyalaya.

2. Petitioners, in the present case are seeking a writ in



the nature of writ of certiorari to quash and cancel the order dated 04.05.2023 passed by the respondent Central Board of Secondary Education (hereinafter referred to as the “Board”) whereby and whereunder the Board as rejected the prayer of the petitioners for inclusion of the original name ‘Ashifta Parween’ alongwith the alias name ‘Tara Shamim’ of the mother of petitioner no. 3 in the Xth Board certificate granted by the respondent Board.

3. Learned counsel for the petitioners submits that the name of the mother of petitioner no. 3 was originally rightly mentioned as Tara Shamim in all the records and it is an admitted position that even the school registers and the registration cards of petitioner no. 3, the name of his mother was filled up as Tara Shamim and it was never objected to.

4. Learned counsel for the petitioners however submits that the fact was that after her marriage she had added her alias name Tara Shamim to her original name Ashifta Parween and all the records were prepared thereafter in the name of Ashifta Parween @ Tara Shamim. As on today, the name of the mother of petitioner no. 3 is mentioned in her Aadhar Card and Voter List as ‘Ashifta Parween alias Tara Shamim’. A prayer has, thus, been made to quash Annexure ‘4’



which is the decision of the Board not to allow the addition of name and issue an appropriate direction.

5. Mr. Tripathy, learned counsel for the Board submits that the mother of the petitioner no. 3 is claiming both the names i.e. Ashifta Parween and her alias name as Tara Shamim. In all the certificates her name has been mentioned as Tara Shamim. It is submitted that the Board does not mention any alias name or two names in the certificate of a student, therefore, it could not become possible to allow the application of petitioner no. 3 and his mother to add the name.

6. Having heard learned counsel for the petitioners and the Board, this Court is of the considered opinion that no infirmity may be found with the decision of the Board as contained in Annexure '4' to the writ application. If there is no provision in the Board to provide one original and one alias name in the certificate, this Court sitting in its extraordinary writ jurisdiction would not frame a rule or advise the Board to put two names in the certificates. However, considering the submission of learned counsel for the petitioners that petitioner no. 3 may face some hardships in future because of difference in the name, this court leaves it open to the petitioners to seek an appropriate remedy before a competent court in accordance with



law.

7. This writ application stands disposed of
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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