



2024:DHC:3521



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

+ **W.P.(C) 882/2024**

RAHUL SIKRI

..... Petitioner

Through: Mr. Sumit Gaba and Mr. Tushar
Lamba, Advs.

versus

NATIONAL INSTITUTE OF OPEN SCHOOLING

..... Respondent

Through: Mr. S. Rajappa, Adv. for NIOS

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

24.04.2024

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1. The petitioner had applied to the National Institute of Open Schooling (NIOS) for correction of the name of his father in the secondary school certificate and the senior secondary school certificate issued by the NIOS on 8 January 1999 and 14 August 2002.

2. The application was preferred on 3 January 2022. The application was rejected by the NIOS *vide* order dated 20 January 2022 on the ground that it was barred by time.

3. The order states that the application was required to have been filed within three years of the date of registration in the NIOS.

4. There is some confusion in the present case as the petitioner appears to have registered in 1996 in class X as per the impugned



2024:DHC:3521



order, but has cleared the class X examination only in May 1998 and the certificate to that effect, in which the petitioner seeks correction in the name of his father, came to be issued on 8 January 1999.

5. Mr. Rajappa submits that, even if one were to compute three years from the dates when the certificates were issued, the petitioner would have had to seek correction of his father's name in the Class X certificate on or before 8 January 2002 and for the correction in the Class XII certificate on or before 14 August 2005. Inasmuch as the application was filed by the petitioner on 3 January 2022, Mr. Rajappa submits that the application was grossly barred by time.

6. As such, he submits that the NIOS committed no error in issuing the impugned order dated, 20 January 2022, rejecting the petitioner's application as time barred.

7. Mr. Sumit Gaba, learned Counsel for the petitioner, however, places reliance on Notification 23/2022 dated 6 July 2022 issued by the NIOS.

8. This notification has been issued in pursuance of the recommendations of a committee constituted in connection with the revision of rules, regulations and guidelines effecting correction/changes in the admission records of the NIOS in view of the judgment of the Supreme Court in *Jigyada Yadav v. CBSE*¹, which was rendered on 3 June 2021.

¹ (2021) 7 SCC 535



2024:DHC:3521



9. Para 2 of the notification reads thus:

“However, beyond ten years the correction in records depends on the specific direction of the court of the competent jurisdiction and the availability of records to comply with the order/direction of the court.”

10. I am constrained to observe that para 2 of the Notification dated 6 July 2022 of the NIOS is very unhappily worded and the NIOS would do well to word it more specifically. As worded, it appears to give an open invitation to candidates who may have applied for corrections of their date of birth or of their names or parents’ names any time in the past, as there is no outer limit fixed in para 2 and it covers all applications filed beyond 10 years. There is also no indication as to the circumstances in which such applications can be considered on merits.

11. Again, it is not clear as to whether, if an application such as the petitioner’s, which was filed beyond 10 years, but which has come to be rejected by the NIOS before the issuance of notification dated 6 July 2022 would, or would not, be covered by the notification.

12. Be that as it may, in view of the expansive manner in which the NIOS has chosen to word para 2 of the notification dated 6 July 2022, there is no reason why the Court should deny the petitioner the benefit of the said decision on his application for correction in his father’s name, by the NIOS, on merits.

13. Accordingly, the impugned order is quashed and set aside. The



2024:DHC:3521



application dated 3 January 2022 submitted by the petitioner is remanded to the NIOS for a decision on merits to be taken within a period of three months.

14. The court is not making any observations as to whether the petitioner is entitled, on merits, to change of his father's name in the official records as sought. The merits of that request would depend on the petitioner's satisfying the NIOS that he is in possession of the requisite records as would justify the request and subject to the law in that regard including, *inter alia*, the judgment of the Supreme Court in *Jigya Yadav*.

15. The NIOS is once again requested to consider whether para 2 of the Notification 23/2022 dated 6 July 2022 should be re-worded in a more specific fashion so as to avoid deluge of applications seeking reconsideration.

16. Mr. Rajappa, learned Counsel for the NIOS, undertakes to convey this view of the Court to the NIOS.

17. This petition is accordingly disposed of, with no orders as to costs.

C. HARI SHANKAR, J.

APRIL 24, 2024

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[Click here to check corrigendum, if any](#)