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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4026/2023 & CM APPL. 23615/2023, CM APPL. 53847/2023

RAJAT JOON Petitioner

Through: Mr. Anand Yadav, Advocate

versus

CENTRAL BOARD OF SECONDARY
EDUCATION & ANR. Respondents

Through: Ms. Sakshi Shairwal, Advocate
for R-1

Mr. V.P. Rana, Advocate for Applicant
Sonia

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT(ORAL)

% **10.01.2024**

1. The petitioner was a student of Yuvashakti Model School, Rohini, which is affiliated to the Central Board of Secondary Education (CBSE). The names of his parents, in his Class X and Class XII certificates issued by the CBSE, were entered as Roshni Joon and Krishan Joon. According to the petitioner, he is the son of Rajender Singh Joon and Gayatri Devi and not of Roshni Joon and Krishan Joon. Krishan Joon is admittedly the brother of Rajender Singh Joon (his father).

2. The petitioner had earlier filed CS (OS) 138/2020 [*Rajat Joon v. Rajender Singh Joon*] before this Court, seeking a declaration that

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he was the son of Rajender Singh Joon and Smt. Gayatri Devi. Krishan Joon having expired earlier, Roshni Joon was impleaded as a defendant in the said suit along with Rajender Singh Joon and Gayatri Devi.

3. The said suit stands decreed *vide* order dated 21 October 2020, which reads thus:

“1. The disputes between the parties stand settled, with the intervention of the Delhi High Court Mediation and Conciliation Centre, and the Settlement Agreement dated 14th October, 2020 has been placed on record. The Settlement Agreement records the following terms and conditions:

“i. That Smt. Gaytri Devi, Defendant No.2 and Smt. Roshni Joon, Defendant No.3 have already admitted the averments and claim of the Plaintiff in their written statement stating that Shri Rajat Joon is son of Shri Rajinder Singh Joon and Smt. Gaytri Devi. Shri Rajat Joon is their son and born from the wedlock of Defendant No.1 and Defendant No.2. The Defendant Nos. 2 and 3 are still maintaining their stand and agree that the plaintiff is a son of defendant Nos. 1 and 2 and born from their wedlock.

ii. That Shri Rajinder Singh Joon, Defendant No.1 has also admitted and agreed that Shri Rajat Joon (Plaintiff) is born from his wedlock with Smt. Gaytri Devi (Defendant No. 2) and Shri Rajat Joon always lived with them being their son and averments made by Shri Rajat Joon Plaintiff in the plaint are correct. There was some developments/misunderstanding and therefore Defendant No.1 refused to recognize Shri Rajat Joon as his son for the first time in February 2020. The Defendant No.1 agrees and admits the plaintiff is his son and mentioning the name of Shri Krishan Joon and Smt. Roshni Joon as father and mother of the Plaintiff in school education record or any other record is of no consequence and Plaintiff was always and is son of Defendant No.1 and Defendant No.2.

iii. That the CS (OS) No. 138/2020 be disposed on in terms of the present agreement.



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iv. The parties agree that they shall appear before the Hon'ble Court during virtual hearing to make their statements in terms of the present Settlement Agreement.”

2. The Plaintiff, and Defendant Nos. 1 and 2, are present along with their learned Counsel. The parties have also confirmed that the Settlement Agreement is acceptable to them and that the suit and pending application may be disposed of in terms thereof.

3. Accordingly, the Settlement Agreement dated 14th October, 2020 is taken on record. The disputes in the suit having been resolved in accordance with the Settlement Agreement, are disposed of in terms thereof. The Settlement Agreement shall bind the parties and the parties shall abide by the covenants thereof.

4. The suit is decreed accordingly. Decree sheet be drawn up by the Registry.

5. In view of the Settlement Agreement, Mr. Yadav, learned Counsel for the plaintiff submits that he is not pressing prayers (b) and (c). 6. In view of the fact that the disputes have been settled, the plaintiff is not required to deposit court fees in the matter.

6. In view of the fact that the disputes have been settled, the plaintiff is not required to deposit court fees in the matter.”

4. Consequent upon the aforesaid order and decree, Petitioner had got the name of his parents changed in various statutory documents including his Driving License, Aadhar card, Voter ID card, PAN card and birth certificate.

5. Mr. Yadav, learned Counsel for the Petitioner submits that the school has also corrected the names of the Petitioner's parents on their record and wrote to the CBSE on 23 December 2021, requesting the CBSE to correct the names of the parents of the petitioners as recorded in the Class X and Class XII certificates of the petitioner from Krishan Joon and Roshni Joon to Rajender Singh Joon and Gayatri Devi respectively.

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6. As the CBSE did not do so, the petitioner was constrained to move this Court by means of the present writ petition.

7. CM No.23615/2023 has been filed in the present petition by Sonia Joon, who is the wife of Late Jayant Joon, who is the son of Rajender Singh Joon. Sonia Joon has, in the said application, alleged that the order and decree dated 21 October 2020 was obtained by suppressing true facts from this Court and by collusion between the plaintiffs and defendants in that case. This, according to Sonia Joon, was done so as to grab the family property and frustrate her entitlement thereto. It is further averred in the application that the present petition is just another step towards the same end, so as to obtain the imprimatur of this Court to the petitioner's stand that he is in fact the child of Rajender Singh Joon and Gayatri Devi, which fact Sonia Joon emphatically denies. According to Sonia Joon, the petitioner was the biological child of Rajender Singh Joon and Gayatri Devi and was taken in adoption by Krishan Joon and Roshni Joon. It is further averred in the application that the applicant Sonia Joon has filed an application under Order XXIII Rule 3 CPC for recalling the order dated 21 October 2020, which is presently pending before a co-ordinate Bench of this Court.

8. I am not concerned, in the present matter, with the *inter se* dispute between Sonia Joon and the petitioner or Rajender Singh Joon and Gayatri Devi. That dispute may be relevant to the issue of their respective entitlements to the family property and other such issues



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with which the present petition is not concerned. It is clarified therefore that this petition is only restricted to the entitlement of the petitioner to have the name of his parents changed in the CBSE records and shall have no implication whatsoever on any challenge which may presently be pending against the order dated 21 October 2020 passed by this Court in CS (OS) 138/2020. This Court is not expressing any view on whether the said order was obtained collusively, or by suppressing facts, or regarding any aspect of the said order.

9. The fact of the matter remains that, as on date, there is a subsisting order dated 21 October 2020 under which this Court had decreed CS (OS) 138/2020, which sought a declaration that the petitioner's parents were Rajender Singh Joon and Gayatri Devi. The petitioner is entitled to the consequences of that decree to the extent that it affects the certificates issued by the CBSE. It is also not in dispute that the petitioner has, consequent on the said decree, got the name of his parents altered in other statutory documents, as already noted.

10. Learned counsel for the CBSE submitted that the CBSE was opposing the petitioner's request as, in its view, the records had not been changed in the school records of the petitioner. It is seen that it is the school itself, which has, on 23 December 2021, written to the CBSE, requesting the CBSE to change the name of the petitioner's parent in his Class X and Class XII certificates.

11. As such without expressing any opinion on the correctness of



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the order dated 21 October 2020 as well as the merits of the challenge by Sonia Joon to the said order, the Court is of the opinion that so long as the order is in existence, the petitioner would be entitled to have the name of his parents changed in his Class X and Class XII certificates as issued by the CBSE. This is also in accordance with the law laid down by the Supreme Court in *Jigya Yadav v. CBSE*¹.

12. Accordingly, the CBSE is directed to issue fresh Class X and Class XII certificates to the petitioner reflecting the name of his parents as Rajender Singh Joon and Gayatri Devi.

13. This petition is allowed to the aforesaid extent, without any order as to costs.

C.HARI SHANKAR, J

JANUARY 10, 2024

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