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Amit Kumar Vs. Central Board of Secondary Education Through Its Chairman and Ors

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Court : Jharkhand

Decided On : Oct-05-2016

Appellant : Amit Kumar

Respondent : Central Board of Secondary Education Through Its Chairman and Ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(C) No. 5311 of 2016 Amit Kumar ..... Petitioner Vrs. 1 Central Board of Secondary Education through its Chairman having its Office at Preet Vihar, Delhi 2.The Secretary, CBSE, Delhi 3.The Director, CBSE, Delhi 4.The Joint Secretary, CBSE, Delhi 5.The Deputy Secretary(Co-ordination), CBSE, Delhi 6.Regional Officer, CBSE, Bailey Road, Patna, Bihar 7.Kendriya Vidyalaya Sangathan through its Regional Officer, Ranchi 8.The Principal, KVNo.1, Dhanbad, Jharkhand ..... Respondents .... CORAM:HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioner : M/s Kumar Saurav Chatterjee & Vishal Kr. Singh For the Respondents : M/s Rajiv Ranjan & Shresth Gautam 05/05.10.2016 Heard learned counsel for the parties.

2. The Respondent, Regional Office of Central Board of Secondary Education(CBSE), Patna through its communication impugned herein at Annexure-5 rejected the application of the petitioner for correction in his father's name in Grade Sheet cum Certificate of Performance having no. 1006764 and Roll

No. 7181456 on the ground of being time barred. Name of the father of the petitioner reflected in the Grade Sheet cum Certificate of Performance (Annexure-1) issued by the CBSE, Delhi for the Secondary School Examination, Sessions 2011-13 is RAMKARAN SAHANI. The said certificate also shows petitioner's date of birth as 13.12.1997 and has passed the Secondary School Examination from K.V. No. 1, Old DVS Building, Dhanbad having 8.6 CGPA in aggregate. From the same school petitioner undertook the + 2 course and finally was declared passed by the Respondent CBSE as per the mark sheet and certificate at Annexure-2 series dated 25.5.2015 bearing no. 602356 having Roll No. 7652429 which bears his father's name as RAM KARAN SAHANI, which the petitioner claims to be the correct name. The Principal of the School through letter dated 12.7.2016 (Annexure-4) also requested for correction of the spelling of the student's father name in the Admit Card and Certificate of Class-X as RAM KARAN2SAHANI instead of RAMKARAN SAHANI. That has been rejected by the impugned order at Annexure-5 dated 4.8.2016.

3. Petitioner has faced selection exercise conducted by the Air Force for recruitment to the Non-Technical Grade. By the communication at Annexure-6 dated 2.8.2016, he has been asked to report on 14.8.2016 at 700 hrs at Station Medicare Centre, Air Force Station Kanpur(Chakeri) for facing the Appeal Medical Board. Learned counsel for the petitioner submits that certain documents in original are required to be produced at the time of his interview before the Appeal Medical Board which includes Class-X certificate. It is submitted that due to the error in the name of his father in Class-X certificate, the Air Force authorities have doubted the identity of the petitioner. It is submitted that his father is a Class VI drop out and his true name is reflected in the following manner RAM KARAN SAHANI. The Voter Identity Card issued by the Election Commission of India is one such document in support of the aforesaid contention. It is submitted that petitioner has passed out from the same School and the certificate in question have also been issued from the same Board, CBSE. The Respondent CBSE should not have insisted on such hyper technical ground to reject the claim of the petitioner which could jeopardize even his career now.

4. Respondent CBSE on instruction has placed the amendments in the Examination Bye-Laws notified on 25.6.2015. He refers to the instant Bye-Laws at Clause 69.1(ii) where under, now the time limit for making an application for correction in the name of candidate's father is only within 1 year of the declaration of the result provided that the application of the candidate is forwarded by the Head of the Institution with the enumerated attested documents, such as :- (a) True copy of the admission form filled in by the parents at the time of admission duly attested by the Head of the 3 concerned institution (b) True copy of the school leaving certificate of the previous school submitted by the parents of the candidate at the time of admission duly attested by the Head of the concerned institution. (c) True copy of the portion of the page of admission and withdrawal register of the school where the entry has been made in respect of the candidate, duly attested by the Head of the concerned institution.

5. Earlier the time limit prescribed in the pre-existing bye-laws was 10 years for seeking such correction. Petitioner has sought correction in the Matriculation Certificate in the year July 2016 i.e. after 3 years of the declaration of the 10 th result vide Annexure-1 dated 30.6.2013. Therefore the application of the petitioner has been rejected.

6. I have considered the submission of the parties in the light of the relevant material facts pleaded as also the amended bye-laws of the CBSE placed on behalf of the Respondent- CBSE. The facts of the present case noted herein above shows that petitioner has passed his Class-Xth and XIIth examination from the same School and the same Board. The other relevant details of the petitioner are correctly reflected in the relevant certificates issued by the Respondent CBSE both for Class X and XII Examination. It appears that the hyphenation in the name of petitioner's father RAM KARAN SAHANI is lacking in the Matriculation Certificate, which has otherwise been corrected in the + 2 certificate and the result published by the same Board. Had the name of RAM KARAN SAHANI been incorrectly shown in the +2 result, petitioner would have been well within the period of limitation even as per the amended bye-laws to seek such correction even now. However, this error in the name of petitioner's father now 4 remains in the 10th certificate. Both the Class Xth and XIIth certificate therefore cannot stand

together and may cause reasonable element of doubt in the minds of any recruiting body or the employer with which the petitioner may be seeking employment. The Principal of the School has also made recommendation for correction in the name of his father in the Admit Card and certificate of Class Xth examination.

7. The instant bye-laws as placed by learned counsel for the Respondent CBSE do not indicate as to whether they apply prospectively or extinguish the cause of action, which may be available to such candidate as per the pre-existing bye-laws to seek correction within the period of 10 years from the date of issuance of the certificate.

8. In such circumstances, reconsideration on the part of the Respondent CBSE is required in the matter. Let the petitioner make a representation within a period of 1 week from today before the Regional Office, CBSE, Patna supported with all necessary documents. Respondent CBSE would reconsider the matter and take a decision for correction in the name of the petitioner's father reflected in the Matriculation certificate in accordance with law within a period of 2 weeks thereafter. In view of the directions passed herein above, the impugned order at Annexure-5 dated 4.8.2016 should not prevent the Respondent CBSE to reconsider the matter.

9. The writ petition is disposed of accordingly. (Aparesh Kumar Singh, J.) A. Mohanty/ Kamlesh

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