

(2018) 04 DEL CK 0074

In the Delhi High Court

Case No : LPA 705 of 2017

ARYA KARIYATIL CHENDAKERA

APPELLANT

Vs

CENTRAL BOARD OF SECONDARY EDUCATION & ANR

RESPONDENT

Date of Decision : 16-04-2018

Acts Referred:

Citation : (2018) 04 DEL CK 0074

Hon'ble Judges : A. K. CHAWLA, S. RAVINDRA BHAT

Bench : Division Bench

Advocate : Swastik Singh, Atul Singh, Atul Kumar, Thomas

Final Decision : Allowed

Judgement

,Recorded name,Proposed to be recorded

Appellant,Arya K C,Ms. Arya Kariyatil Chendakera

Father of appellant,K.C. Dilip,"Sh. Kariyatil Chendakera Deleep
Kumar

Mother of appellant,Kavitha Dilip,Smt. Kavitha Deleep

seeks to furnish the full name, surname, and the middle name of the respective persons. In other words, the abbreviations used for the name, middle",,

name or the surnames are only sought to be done away with. Such corrections in the school records and 'the subject document' in our considered,,

view by no means can be construed to be a change of name. Though, the surname is sought to be corrected/amended as 'Deleep' instead of 'Dilip', it",,

also has the effect of correction only rather than a change. It is thus seen that the application made by the appellant was actually for the correction in,,

names rather than for any change. The reliance placed upon Aditya Srivastva's

case (supra) by the Id. Single Judge, in our considered view, was",,,
misplaced inasmuch as, in that case, the appellant had sought change in name from 'Randhir Srivastava' to 'Aditya Srivastava' and for the purpose",,,
reliance was placed upon un-amended Bye-law 69.1(i). That is not the position in the case in hand. The instant case, in our considered view, falls",,,
within the category of Bye-law 69.1(ii), which deals with the correction in the names. It is also not the case nor was it pointed out during the hearing",,,
that the identity of either the appellant or her parents or their relationship is in dispute. What is asserted to by the appellant, in fact, also finds support",,,
from the gazette notification for correction in names issued on 26.05.2017 as also the respective passports and the Aadhar Card, which are duly",,,
supported by an affidavit. It is thus clear that the appellant's application was required to be considered for correction in name as provided for under",,,
Bye-law 69.1(ii). The plea urged to the contrary in the counter affidavit filed on behalf of CBSE is therefore, wholly misconceived and meritless.",,,
8.Though, apparently, there is a delay of about four days in making of the application for the correction in the names inasmuch as, the date of",,,
publication of the subject document in the official gazette is 26.05.2017 and the application came to be made by the appellant to the school on",,,
30.05.2017, at this stage, when we are of the opinion that the application if made within time, was required to be allowed and the stand taken by the",,,
CBSE regarding applicability of Bye-law 69.1(i) instead of Byelaw 69.1(ii) is wholly untenable, we do not consider it necessary to subject the appellant",,,
to the rigors of making a fresh application seeking correction in the name(s) in the records of the school or the CBSE while seeking condonation of",,,
delay of 4/5 days, as may be permissible. Moreso, for the reason that the appellant is yet to appear for another Board Examination to be held by",,,
CBSE for 10+2 and that shall call for issuance of another Grade Sheet/ Certificate.,,,
9.In view of the foregoing, it is directed that the respondent CBSE shall carry out the necessary corrections in the name(s) of the appellant as also her",,,
parents in their respective records and shall consequentially also issue a modified/corrected Grade Sheet cum Certificate of Performance to the",,,
appellant within four weeks.,,,
10.The appeal is allowed in the above-said terms. The pending application also

stands disposed of. No order as to costs.,,

6.A careful look into the names appearing in the subject document and the amendments proposed only leads to the conclusion that appellant, in effect,",,

seeks to furnish the full name, surname, and the middle name of the respective persons. In other words, the abbreviations used for the name, middle",,

name or the surnames are only sought to be done away with. Such corrections in the school records and 'the subject document' in our considered,,

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