
(2021) 01 KL CK 0104

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26364 Of 2020

Athul D.A And Ors

APPELLANT

Vs

Central Board Of Secondary Education Regional Office And
Ors

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0104

Hon'ble Judges : P.V. Asha, J

Bench : Single Bench

Advocate : Mereena J. Joseph, Nirmal S

Final Decision : Disposed Of

Judgement

1. The petitioners have filed this Writ Petition challenging Ext.P6 order by which the 2nd respondent rejected their application for correction of their mother's name in the School records.

2. Petitioners passed the secondary school examination after undergoing their studies in the 3rd respondent School affiliated to the Central Board of Secondary Education-under respondents 1 and 2. In Ext.P1 mark statement issued to the 1st petitioner, the name of her mother is entered as 'Rema S'. In Ext.P2 mark statement of 2nd petitioner, the name of mother is entered as 'Afa A J'. Producing the birth Certificates of the petitioners, they submit that the name of their mother is 'Abha A.J.' They had filed applications for correction of the name of their parents entered in the school records. Since no action was taken on it, petitioners had approached this Court in WP(C) No.33701 of 2019 and this Court as per Ext.P5 judgment dated 24.01.2020 directed the school authorities to forward the copies of the School records to the CBSE for effecting correction. Despite the direction in Ext.P5 judgment the 2nd respondent issued Ext.P6 order rejecting their request for correction of the name of their mother. It was stated that the application for correction of name would be considered only within five years of the date of declaration of results, provided the application is forwarded

by the Head of the institution along with the relevant records. It was stated that proposed corrections were not acceptable as it is not permissible under rule 69.1 of the Examination Bylaws in the absence of any reasonable explanation.

3. Learned counsel for the petitioners points out that rejection of the application despite production of the birth certificates as well as direction of this Court in Ext.P5 judgment is totally unjustified.

4. The learned Standing Counsel has filed a statement on behalf of respondents 1 and 2 reiterating the contentions in Ext.P6. It is stated that under rule 69.1(i) of the Examination Bye Law, change of name of parents is permissible only if the application is submitted before publication of results of candidates and those changes have already been admitted by court of law and is notified in the Government Gazette. It is also stated that Rule 69.1(ii) permits only correction of typographical errors and that too, if it is consistent with what is given in the School records or list of candidates (LOC) provided same is submitted within five years.

5. Heard the learned Counsel for the petitioners as well as the learned Standing Counsel. By Ext.P5 judgment this Court had already directed the 2nd respondent to effect correction in the school records. The petitioners had submitted their application with the support of their birth certificates, issued by the statutory authority, where the name of their mother is recorded as ABHA A.J. Therefore, rejection of request of the petitioners cannot have any justification. However it is seen that applications are submitted beyond the period of five years. Therefore, going by the judgment of this court in Subin Mohammed vs. Union of India and others : 2016 (1) KIT 340 respondents would be entitled to cost.

6. Therefore, Ext.P6 order to the extent it rejected the request made by the petitioners for correction of name of their mother would stand set aside. There shall be a direction of the 2nd respondent to effect correction of the name of their mother in the school records of petitioners as requested in their application and in tune with the entries in their birth certificates Exts.P3 and P4 within a period of two months from the date of receipt of a copy of the judgment provided the petitioners make payment of Rs.5,000/- to the 2nd respondent.

The Writ Petition is disposed of accordingly.