

(2015) 05 RAJ CK 0198

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5358 of 2015 and Stay Application No. 4792 of 2015

Harun Chouhan

APPELLANT

Vs

Board of Secondary Education and Others

RESPONDENT

Date of Decision : 19-05-2015

Acts Referred:

Citation : (2015) 3 CDR 1226

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : Anoop Dhand, for the Appellant

Final Decision : Disposed off

Judgement

Mohammad Rafiq, J—This court on 04.05.2015 ordered to issue notice to respondent No. 1 and directed the petitioner to supply copy of writ petition to Dr. Mahesh Sharma, learned counsel, who appears before this court for respondent No. 1. Office report dated 08.05.2015 shows that petitioner has filed in the office the receipt of supply of copy of memo of writ petition to Dr. Mahesh Sharma. Name of the counsel for respondent has also been shown in the cause-list but despite that nobody has appeared on its behalf. This writ petition has been filed by petitioner for a direction to respondents to add and insert name of his father "Mohd. Yunus" in the record and mark-sheet-cum-certificate (Annexure-7 and 8) of Secondary School Examination and mark-sheet and certificate (Annexure-9 and 10) of Senior Secondary School Examination conducted by the Board of Secondary Education, Rajasthan, Ajmer and after necessary insertion he may be issued fresh/new mark-sheets and certificates of 10th and 12th class.

2. It is contended that in the marks-sheets and certificates of 10th and 12th classes of the petitioner, the Board of Secondary Education, Rajasthan, Ajmer, has not mentioned his fathers name and in those documents, "nil" has been mentioned against his father"s name. In the mark-sheets of class 1st to class 7th as also in the school admission forms, name of his father has been shown as

Mohd. Yunus. For issuance of those mark-sheets and certificates with his father's name, petitioner made representation to the respondent No. 1. Even the respondent No. 2 - Principal, Taleemul Quran Secondary School, Sikar, wrote a letter dated 19.07.2013 to the Secretary, Board of Secondary Education, Ajmer, and requested for insertion of name of petitioner's father in the mark-sheets and certificates of Class 10th and 12th standard. Learned counsel submitted that in the mark-sheet of 8th standard, name of petitioner's father was added on intervention of the District Education Officer, (Secondary), Sikar. The District Education Officer (Secondary), Sikar, vide letters dated 14.08.2014 and 19.08.2014, directed respondent No. 2 - Principal, Taleemul Quran Secondary School, Sikar, to make necessary entry of name of petitioner's father in the scholar register of Class 10th and 12th. In the mark-sheets of Three Years Degree Course (B. Com.) and the Degree issued by the University of Rajasthan, name of petitioners father is mentioned as "Mohd. Yunus". The birth certificate, minority certificate, OBC certificate, Aadhar card, pan card and vehicle registration certificate of the petitioner contain his father's name as "Mohd. Yunus". Pursuant to letter dated 20.01.2014 of the Secretary of the respondent Board, the petitioner went to the office of the respondent Board with all documents and requisite fee, but the concerned official refused to take the same. It is submitted that in case the needful is not done by the respondent Board, it would not be possible for the petitioner to apply for job, passport, etc.

3. Learned counsel for petitioner has relied on judgment of this Court in Jameel Ahmed vs. Board of Secondary Education, 2006 WLC (Raj.) UC 518, wherein this court allowed writ petition involving similar question on the ground that provisions of Chapter 25 of the Hand Book, provides that such correction can be made by the Board of Secondary Education within five years.

4. In Writ Petition No. 15126/2011 filed by one Vikram Singh, also question was that name of petitioner's father was wrongly mentioned in the record of the Board and accordingly the mark-sheet and certificate were issued with incorrect name of his father. This court, while deciding the same vide its judgment dated 23.11.2012, directed the respondent Board to make necessary correction in the record and issue fresh mark-sheet as well as certificate of the Secondary School Examination conducted by the respondent Board showing correct name of his father.

5. In view of above, it clearly comes out that the respondent Board did not take any action on the application of the petitioner nor did pay any heed to letter dated 19.07.2013 of respondent No. 2 wherein request was made for insertion of name of petitioner's father in the mark-sheets and certificates of Class 10th and 12th standard. The mark-sheet of B. Com. Part-I Exam.-2010 (Annexure-15) mentions his father's name as "Mohammed Yunus". The birth certificate, minority certificate, OBC certificate, Aadhar card, pan card and vehicle registration certificate of the petitioner, which have been placed on the record of the writ petition, also contain his father's name.

6. Consequently, the writ petition is allowed with direction to respondent Board to complete the exercise for addition/insertion of name of petitioner's father in the mark-sheets and certificates of 10th and 12th standard and after needful, issue the same. For this purpose, if any formality is required, that can be asked to be completed from the school concerned or the petitioner, within a period of one month from today and then to complete the exercise for issue of fresh mark-sheets and certificates of 10th and 12th standard within one month thereafter. This also disposes of stay application.