
(2021) 01 KL CK 0315

In the High Court Of Kerala

Case No : Writ Petition (C) No. 2296 Of 2013

Lakshmi Priya Nair

APPELLANT

Vs

Central Board Of Secondary Education And Ors

RESPONDENT

Date of Decision : 13-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0315

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

Bench : Single Bench

Advocate : Santharam P, Rekha Aravind, Paul P. Abraham, Nirmal S

Final Decision : Disposed Of

Judgement

1. The petitioner, who underwent her studies in the 3rd and 4th respondent schools under the CBSE, is aggrieved by the rejection of the application for correction of her name.

2. It is stated that petitioner's name was shown as 'LAKSHMI PRIYA SREELATHA PRAMOD' in Exts.P1 and P2 marks statements of Secondary

and Senior Secondary Examinations respectively. In Ext.P4 Gazette dated 16.01.2018, it was notified that the name of 'Lakshmi Priya Sreelatha

Pramod' has been changed as 'Lakshmi Priya Nair' in all her qualifying certificates, Grade Sheet cum Certificate of performance, Register

No.4269961 issued on 19.05.2014, All India Senior School Certificate Examination Marks Statement with Roll No.4829439 issued on 21.05.2016 with

CBSE, her Aadhaar Card as well as birth certificate. On the strength of Ext.P4, petitioner requested for correction of her name as 'LAKSHMI

PRIYA NAIR'. As there was no positive action, petitioner approached this Court in W.P.(C) No.3920 of 2019 and by Ext.P5 judgment, this Court

directed consideration of her application on condition that she shall remit a sum of Rs.5,000/- to the 5th respondent. Ext.P6 order was passed

thereafter rejecting the application on the ground that her name was shown as 'LAKSHMI PRIYA SREELATHA PRAMOD' in the school records

on the basis of details furnished by her parents at the time of admission. It is stated that the change required by petitioner was not in respect of

mistake in spelling; but the name itself, for which there is no provision after the examinations as well as publication of results were over. It is stated

that if at all a change was required, that should have been brought to the notice of the school authorities before the completion of the

course/examination. It is also stated that as per rule 69.1 of the Examination Bye Laws, petitioner's claim could not be entertained.

3. The petitioner has filed this writ petition aggrieved by Ext.P6 order pointing out that despite the direction of this Court, the 2nd respondent rejected

the application.

4. The learned Standing Counsel has filed a statement on behalf of respondents 1, 2 and 5, reiterating the contentions in Ext.P6 order. It is stated that

in the Transfer Certificates from the previous schools also, the candidate's name was mentioned as 'LAKSHMI PRIYA SREELATHA PRAMOD';

in the affidavit of the petitioner's father, submitted at the time of admission in the School also, the name of the mother given was the same. It is also

stated that as per clause 69.1(i) of the Examination Bye Law, which provides for changes in the surname of candidates, application for the same can

be considered only if the change is admitted by a court of law and notified in the Government Gazette that too before publication of the result of the

candidate. In the case of the petitioner, no application was submitted before the result was published. It is also stated that Rule 69.1(ii) also does not

permit correction as what is permitted therein, is spelling errors/typographical errors. In the case of the petitioner, it is not considered as typographical

error.

5. I heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent.

6. Even under the provisions contained in Clause 69.1 of the Examination Bye Law, correction is permitted if it is published in Gazette. The petitioner

has submitted application on the basis of the Gazette notification, which provides

for correction in Exts.P1 and P2 certificates also. Moreover, this Court had already directed the respondents to consider her application on the basis of the said Gazette notification. Therefore there was no justification on the part of the CBSE authorities to reject the application of the petitioner when correction is effected in all her official documents on the basis of the said notification published in the Gazette.

Accordingly, Ext.P6 is set aside. There shall be a direction to the 5th respondent to see that correction is effected in Ext.P1 and to the 1st respondent to see that correction is effected in Ext.P2 marks statements, within a period of two months from the date of receipt of a copy of the judgment.

Accordingly, the writ petition is disposed of.