

**(2019) 07 JH CK 0133**  
**In the Jharkhand High Court**  
**Case No : Writ Petition (c) No. 270 Of 2009**

Lt. Col. Pravin Kumar

APPELLANT

Vs

Central Board Of Secondary Education through its Chairman,  
CBSE, New Delhi & Others

RESPONDENT

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**Date of Decision :** 06-07-2019

**Acts Referred:**

**Citation :** (2019) 07 JH CK 0133

**Hon'ble Judges :** Rongon Mukhopadhyay, J

**Bench :** Single Bench

**Advocate :** Saurav Arun, Piyush Chitresh

**Final Decision :** Disposed Of

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## Judgement

Heard the parties.

The prayer made in this writ petition is for quashing of letter dated 24.01.2008, by which the request of change of mother's name of petitioner's son namely Kumar Pranjal in the marks statement, passing certificate and migration certificate has been regretted by the respondent authorities. A further prayer has been made for a direction upon the concerned respondents to change the mother's name of petitioner's son namely Kumar Pranjal in the documents referred to above considering the fact that the name of step mother of Kumar Pranjal has been written in the said certificate as Ruby Ranjan instead of his own mother late Mridula Sinha.

The factual aspects of the case reveal that the petitioner, who is Commissioned Officer in Indian Army, was married to Mridula Sinha on 8.12.1990. Out of the said wedlock, a male child was born on 27.2.1992 and who was named as Kumar Pranjal and a certificate was issued in that regard by the Officer Commanding. Unfortunately, the first wife of the petitioner namely Mridula Sinha had died on 1.6.1998 at Military Hospital, Namkum, Ranchi because of Cardiac arrest, for which a death certificate was also issued by the Registrar, Birth-Death, Ranchi

Municipal Corporation, Ranchi on 16.06.1998.

The petitioner has two sons from his first wife namely Kumar Pranjal and Kamakhya Sidhartha. After the death of his first wife, the petitioner had solemnized another marriage with Smt. Ruby Ranjan on 19.5.2001 and a marriage certificate was also duly issued by the Marriage Officer, Ranchi on 4.7.2001. The said Ruby Ranjan was a widow and was having a son from her first marriage namely Amar Sparsh Raj and his date of birth is 10.3.1997.

According to the petitioner, his son-Kumar Pranjal, who was pursuing his studies in Army School, Ranchi, at the time of filling up of the examination form of All India Secondary School Examination-2007 had mentioned the name of Smt. Ruby Ranjan as his mother instead of late Mridula Sinha and as a consequence to wrong filling up of the said column in all the subsequent documents issued by the Central Board of Secondary Education, name of mother of Kumar Pranjal figures as Smt. Ruby Ranjan instead of Mridula Sinha and for which the petitioner had approached the respondent authorities for correction in the necessary documents in the column showing the name of mother of Kumar Pranjal. Vide communication dated 24.1.2008, the prayer of the petitioner was regretted by the competent authority of the Board.

Mr. Piyush Chitresh, learned counsel appearing for Respondent Nos. 1 to 4, has submitted that initially any correction in the name of father and/or mother of the candidate in the necessary documents was entertained if the same was made within one year from declaration of result but the same vide Circular dated 10.11.2017 has been modified and the period has been extended to five years from the date of declaration of result. However, the said enhancement in the period for modification of necessary documents is on account of any error in the name of father and/or mother of the candidate concerned but same is not an issue since the application, which was preferred by the petitioner on behalf of his son before the Central Board of Secondary Education appears to be within time. Although the competent authority has regretted the claim of the petitioner but no reasons have been assigned thereto as to what prevented the competent authority in not rectifying the name of the mother of Kumar Pranjal in the marksheet as well as in the subsequent documents since prima facie from the documents, which have been brought on record in this writ petition, it appears that the name of mother of Kumar Pranjal is Mridula Sinha and not Ruby Ranjan, as has been indicated in the marksheet. The error, which has cropped up in the marksheet as well as in the relevant documents, appears to be on the mistake committed by Kumar Pranjal in filling up of the form in the Board Examination but it is to be noted herein that at the time when the petitioner had solemnized another marriage with Smt. Ruby Ranjan, Kumar Pranjal was of an impressionable age and therefore it was quite natural for the said boy to have considered his step mother as his own mother and consequently by filling up of the necessary forms in the Board Examination indicating the name of his mother as Smt. Ruby Ranjan.

Be that as it may, in view of the fact that no reasons have been assigned by the competent authority regretting the change in the name of Kumar Pranjal as well as considering the background facts which led to the said Kumar Pranjal indicating the name of his mother as Ruby Ranjan in filling up of form, it would be appropriate that the respondent authority reconsider the claim of the petitioner.

Accordingly, the communication dated 24.1.2018 is hereby quashed and set aside and matter is remanded back to respondent no. 4-the Regional Director, Central Board of Secondary Education, Region Office, Patna to consider afresh the prayer of the petitioner and pass necessary orders on the same within a period of 12 weeks from the date of receipt/production of a copy of this order.

This writ petition stands disposed of with the aforementioned observations and directions.