
(2014) 01 RAJ CK 0068
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1114 of 2012

Pankaj Prem Purohit

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-01-2014

Acts Referred:

Citation : (2014) 1 WLN 450

Hon'ble Judges : Sangeet Raj Lodha, J

Bench : Single Bench

Advocate : Pramendra Bohra, for the Appellant; Rakesh Arora and Mr. Manish Tak, for the Respondent

Final Decision : Allowed

Judgement

Sangeet Raj Lodha, J.—By way of this petition, the petitioner is seeking directions to the respondents to issue the original mark sheets of Secondary and Senior Secondary Examination to the petitioner, after making necessary correction in his father's name appearing in the mark sheets issued earlier. The petitioner appeared in the Secondary Examination, 2007 conducted by the Board of Secondary Education, Rajasthan. In the admission card issued, the name of the petitioner and his father were shown as "Pankaj Prem Purohit" and "Prem Kumar Purohit" respectively. However, on passing the examination in the mark sheet issued, the name of the petitioner's father was shown as "Prem Prakash Purohit" instead of "Prem Kumar Purohit". The petitioner approached the respondent-Board for necessary corrections but to no avail. Later, the petitioner passed the Senior Secondary Examination conducted by the respondent-Board, however, in the mark sheet issued again, the petitioner's father name was mentioned as "Prem Prakash Purohit" instead of "Prem Kumar Purohit". The petitioner once again approached the respondent-Board and pointed out the error but the same was not rectified. The petitioner made an application and submitted the original mark sheets for necessary corrections to the respondent-Board through the school where petitioner had studied, however, the same have

not been returned after due correction, till this date, despite the fact that the petitioner produced on record various documents such as, ration card, birth certificate, PAN card issued to the petitioner's father by the Department of Income Tax etc. to establish that the name of the petitioner's father is "Prem Kumar Purohit" and not "Prem Prakash Purohit" as mentioned by the respondent-Board in the mark sheets issued as aforesaid. The predicament of the petitioner is that though he has passed B.C.A. Examination, however, the certificate is not being issued to him on account of non production of the original mark sheets of the Secondary and Senior Secondary Examination. Hence, this petition.

2. Despite several opportunities being granted, no reply to the writ petition has been filed on behalf of the respondent-Board and thus, the averments made in the petition remain uncontroverted. However, a reply to the writ petition has been filed on behalf of the respondent No. 4 taking the stand that in the transfer certificate issued by the School, where the petitioner was earlier studying, the name of the petitioner's father was entered as "Pankaj Prakash Purohit", however, it is submitted that the mark sheets submitted by the petitioner for necessary correction have already been forwarded to the Board.

3. Learned counsel for the petitioner contended that even in the admission card issued by the Board, the name of the petitioner's father is shown as "Prem Kumar Purohit" and therefore, it is apparent that while filling up of the form, the petitioner had mentioned the name of his father as "Prem Kumar Purohit". Learned counsel submitted that from various documents placed on record, it is apparent that the petitioner's father name is "Prem Kumar Purohit" and not "Prem Prakash Purohit". Learned counsel submitted that the action of the respondent-Board in not returning the original mark sheets to the petitioner after necessary correction, is ex facie illegal and arbitrary.

4. On the other hand, counsel for the respondent-Board submitted that the name of the father of the petitioner has been mentioned in the mark sheets as "Prem Prakash Purohit" on the basis of the information supplied by the School, the respondent No. 4 herein, where the petitioner was studying and therefore, the Board has not erred in mentioning the name of the petitioner's father in the mark sheets as "Prem Prakash Purohit".

5. I have considered the rival submissions and perused the material on record.

6. Indisputably, in the admission card issued by the respondent-Board, the name of the petitioner's father was mentioned as "Prem Kumar Purohit". The documents placed on record reveal that even as per the record of the School, where the petitioner was studying, the name of the petitioner's father is "Prem Kumar Purohit". That apart, various documents placed on record fortify the fact that the name of the petitioner's father is "Prem Kumar Purohit" and not "Prem Prakash Purohit" as mentioned in the mark sheets issued to him on passing the Secondary and Senior Secondary Examination. In this view of the matter, there is no reason as to why the matter with regard to correction of the petitioner's

father name in the official record maintained by the respondent-Board and the mark sheets issued in favour of the petitioner should be kept pending by the Board for an indefinite period. The petitioner's father name as appearing in the record maintained by the Board deserves to be corrected. For the aforementioned reasons, the writ petition is allowed. The respondent-Board is directed to issue the mark sheets of Secondary and Senior Secondary Examination to the petitioner after necessary corrections in the petitioner's father name as prayed for. The corrected mark sheets shall be issued to the petitioner by the respondent-Board within a period of two weeks from the date of receipt of certified copy of this order. No order as to costs.