
(2021) 07 GAU CK 0060

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 2875 Of 2021

Rishi Dhar

APPELLANT

Vs

Union Of India And 5 Ors

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0060

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : M Dutta

Final Decision : Allowed

Judgement

1. Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Ms. R. Bora, learned standing counsel for the respondent Central Board of

Secondary Education.

2. The petitioner was a student of Maharishi Vidya Mandir Public School, Panikheti, Assam and he had appeared in the All India Secondary School

Examination held in the year 2018 under the Central Board of Secondary Education (CBSE) bearing Roll No.3128427. In the registration certificate,

admit card, mark-sheet and the pass certificate issued to the petitioner by the CBSE, the name of the father of the petitioner is shown as Khukan

Dhar, whereas according to the petitioner the correct name of his father is Uttam Dhar. While the petitioner was a student in the Maharishi Vidya

Mandir, he was also enrolled in the National Cadet Corps (NCC) in the first Assam Battalion and the certificate issued by the NCC also shows that

the father of the petitioner to be Uttam Dhar.

3. In the circumstance, the petitioner submitted an application on 01.09.2019 for

correction of the name of his father in the aforesaid documents issued by the CBSE. The application of the petitioner was rejected by the respondent CBSE as per the communication dated 11.03.2021 and the reasons given for such rejection is extracted below:-

2. It is to inform that the application cannot be considered due to the following ground(s):

(a) the desired correction in the name of the Candidate/Mother/Father/as the case may be is not consistent with the name concerned originally

entered/recorded in the school records by the parent(s) guardian(s) at the time of admission to your school.

(b) The desired correction in Date of Birth (DOB) of the candidate is not consistent with the DOB originally entered in the School records by the parent(s)/Guardian(s) at the time of admission to your school.

3. Since the application in respect of the candidate does not hold the merit for consideration in conformity with the Rules prescribed by the Board for

the purpose, therefore, the request has not been consented to by the Competent Authority.

4. The extent Rules of the Board in this regard have been notified vide Notification dated 25.06.2015.

4. A reading of clause-2 of the communication of the CBSE indicates that the claim for correction of the name of the father of the petitioner stood

rejected as the name in the documents issued by the CBSE was not found to be inconsistent with the names originally recorded in the school records

by the parents of the petitioner. Technically the CBSE may be right in saying so, but we also have to take note of the consequences that the petitioner

may have face in his life if the certificates issued by the CBSE depicts an incorrect name of his father. The said certificate would be a worthless

piece of document for the petitioner as the same may be a reason to reject all such benefits that the petitioner may accrue from the said certificate

either in course of his academic career or in course of his employment career. We may be given to understand that the CBSE is right in saying that

the name depicted in the certificates are not inconsistent with the school records but the core issue before the CBSE would be as to what is the

correct name of the father of the petitioner and whether the claim made by the petitioner for such correction is a genuine claim or it is a fraudulent

claim.

5. Be that as it may, Mr. M. Dutta, learned counsel for the petitioner also refers to the admission register of Maharishi Vidya Mandir, wherein in the

column for name of the father of the petitioner it is shown to be Uttam Dhar and not Khukan Dhar as depicted in the certificate. If the said document

is correct perhaps the CBSE has not properly gone through the school records of the petitioner.

6. In view of the above, the communication dated 11.03.2021 under the signature of the Deputy Secretary (Exam) of the CBSE stands set aside. The

matter is remanded to the CBSE for an appropriate consideration as to whether the claim of the petitioner for change in the name of his father is a

genuine claim which requires an appropriate consideration.

7. The respondent CBSE may give a personal hearing to the petitioner and the petitioner may produce any material to substantiate his claim. In doing

so it shall also take note of the admission register of Maharishi Vidya Mandir which is annexed as Annexure-9 page-21 of the writ petition. Upon

considering the relevant materials, the CBSE may pass a fresh order.

8. The requirement be done within a period of one month from the date of receipt of the certified copy of the order.

9. Writ petition stands allowed in the above terms.