

(2019) 09 J&K CK 0072

In the Jammu And Kashmir High Court

Case No : CM No. 5656 Of 2019 In Others Writ Petition (OWP) No. 1593 Of 2018, IA No. 01 Of 2018

Safeer Ahmad Pathan

APPELLANT

Vs

Central Board Of School Education & Anr

RESPONDENT

Date of Decision : 20-09-2019

Acts Referred:

Citation : (2019) 09 J&K CK 0072

Hon'ble Judges : Ali Mohammad Magrey, J

Bench : Single Bench

Advocate : Sheikh Manzoor, Tahir Majid Shamsi

Final Decision : Disposed Of

Judgement

Ali Mohammad Magrey, J

CM No. 5656/2019:

1. By this motion, the applicant/ petitioner is seeking permission of this Court to place on record the judgment passed by a Co-ordinate Bench of this Court in case titled 'Furqaan Ishrat Dar v. Central Board of Secondary Education & Anr.' bearing 'OWP No.150/2019' and subsequent disposal of the main writ petition in view of the mandate of law rendered in the judgment aforesaid.

2. On the set of facts and the grounds urged, coupled with submissions made at the Bar, the instant application is allowed and the judgment passed by a Co-ordinate Bench of this Court in the case of Furqaan Ishrat Dar (supra) is taken on record. Furthermore, the main Writ petition is, with the consensus of the learned counsel for the parties, taken on board for final disposal, infra.

OWP No. 1593/2018; IA No. 01/2018:

3. Through the medium of this petition, the petitioner is seeking a direction in the name of the respondents to rectify the error crept in his Matriculation Certificate issued by the respondents insofar as it mentions the parentage of the

petitioner as "MD MAJID KHAN" instead of "AB MAJEED PATHAN".

4. Mr Sheikh Manzoor, the learned counsel for the petitioner, submits that the actual and correct parentage of the petitioner is "AB MAJEED PATHAN" as is clearly axiomatic from the perusal of various records of the petitioner annexed with the petition. The learned counsel further submits that due to some inadvertent error in the marks certificate of Matriculation, the parentage of the petitioner has been erroneously recorded as "MD MAJID KHAN". It is pleaded that the petitioner pursued his 10+2 course from the Central Board of Secondary Education and in the marks certificate issued thereof by the said Institute, the parentage of the petitioner has been correctly reflected/ mentioned as "AB MAJEED PATHAN". It is further pleaded that because of this discrepancy having crept in the matriculation marks certificate of the petitioner with regard to his parentage, the petitioner has been put to irreparable loss. The learned counsel, while addressing his arguments, contends that the aforesaid error/ mistake, if not rectified in the records of the petitioner, will have far reaching consequences on the future education of the petitioner as also his service career and that the petitioner may face difficulty in obtaining the Passport/ Visa etc. from the country where he would go for further studies. The learned counsel has proceeded to state that the petitioner approached the respondent authorities for correction of the inadvertent error and issuance of corrected matriculation marks certificate, but the respondents have shown their reluctance in considering the case of the petitioner.

5. Learned counsel for the petitioner, in order to strengthen his case, has placed explicit reliance on the judgments passed by this Court in cases titled "Furqaan Ishrat Dar v. Central Board of Secondary Education & Anr." bearing "OWP No. 150/2019" and "Latief Ahmad & Anr. V. State & Ors.", "2014 (2) JKJ 431 [HC]".

6. Having heard the learned counsel for the petitioner and gone through the record of the file, I am of the considered view that the respondent Board, or for that matter any other authority, cannot refuse to make correction of the aforesaid error which has inadvertently crept in the records. It could be an error pertaining to the name, parentage, address, caste, etc. In the instant case, it has been seen that the 10+2 marks certificate issued by the Board reflects the correct parentage of the petitioner as "AB MAJEED PATHAN", whereas in the matriculation certificate, it is mentioned as "MD MAJID KHAN", meaning thereby that even in the Board records, the parentage of the petitioner is differently indicated in the two examination marks cards.

This, indeed, is an anomalous situation which may affect the future career prospects of the petitioner.

7. In the above background, while relying upon the judgments (Supra), this petition is allowed and the respondent Board is directed to correct the parentage of the petitioner in the records and issue fresh corrected matriculation marks certificate, mentioning therein the parentage of the petitioner as "AB MAJEED

PATHAN" instead of "MD MAJID KHAN".

Let the requisite exercise, in this regard, be undertaken and completed within a period of six weeks from the date certified copy of this order is served on the respondent Board.

8. Writ petition disposed of as above, alongwith the connected CM(s).