

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 17<sup>TH</sup> DAY OF DECEMBER 2021 / 26TH AGRAHAYANA, 1943

WP(C) NO. 24429 OF 2021

**PETITIONER:**

ATHUL K. SADAN,  
AGED 26 YEARS,  
S/O. K.N. SADHANANDHAN,  
KARUMARAPPILLY HOUSE, PADUVAPURAM P.O.,  
PALISSERY, ANGAMALLY, PIN - 683576,  
ERNAKULAM DISTRICT.

BY ADV P.K.ABOOBACKER (EDAPPALLY)

**RESPONDENTS:**

- 1 CENTRAL BOARD OF SECONDARY EDUCATION,  
OLD NO.1630 A, BLOCK J, 16TH MAIN ROAD,  
ANNA NAGAR WEST, EGMORE, CHENNAI,  
TAMIL NADU, PIN - 600040,  
REPRESENTED BY ITS REGIONAL OFFICER
- 2 SACRED HEART ENGLISH MEDIUM SCHOOL,  
MOOKKANNURM, PIN - 683577, ERNAKULAM DISTRICT,  
REPRESENTED BY ITS PRINCIPAL.

BY ADV. NIRMAL.S, SC FOR CBSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

**Dated this the 17<sup>th</sup> day of December, 2021**

The petitioner, who was a student in the 2<sup>nd</sup> respondent-School, affiliated to the 1<sup>st</sup> respondent-CBSE has filed this writ petition seeking to direct the 2<sup>nd</sup> respondent to conduct an enquiry in respect of the mistake of the name of the mother of the petitioner as Gini Sadhanandhan instead of Argini T.B. and make necessary correction in the School Records including the Admission Register and forward the same to the 1<sup>st</sup> respondent to make corresponding correction in SSE Certificate of the petitioner.

2. The petitioner states that he was a student of 2<sup>nd</sup> respondent-School and completed his Secondary School Examination in the year, 2011. The petitioner subsequently completed his B.Tech Civil degree. When the petitioner

applied for an employment abroad and was trying to obtain a passport, the petitioner came to know that he has to produce SSE Certificate before the Passport Officer for proving his Date of Birth.

3. The petitioner then noticed that the name of the petitioner's mother is recorded as Gini Sadhanandhan instead of Argini T.B in Ext.P1 SSE Certificate. The petitioner states that his mother's name is Argini T.B., as is evident from Ext.P2 Secondary School Leaving Certificate of the petitioner's mother. In the circumstances, the petitioner seeks to direct the 1<sup>st</sup> respondent to correct the name of his mother in Ext.P1.

4. The learned Standing Counsel for the 1<sup>st</sup> respondent entered appearance and contested the writ petition. The learned Standing Counsel submitted that the correction of CBSE records can now be made only as per the Scheme laid down by the Hon'ble Apex Court in ***Jigya Yadav v. Central Board of Secondary Education [2021 (3) KLT 711 (SC)]***. Further more, in this case there is nothing on record to

show that the petitioner has made a formal application to the 2<sup>nd</sup> respondent for correction. Unless the application is routed through the 2<sup>nd</sup> respondent, the 1<sup>st</sup> respondent will not be able to consider the application for correction of CBSE records.

5. I have heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1<sup>st</sup> respondent.

6. In view of the nature of the relief to be granted in this writ petition, notice to the 2<sup>nd</sup> respondent is dispensed with.

7. It is not disputed that the procedure/norms relating to the correction of Date of Birth and name of Candidates and parents are governed by the judgment of the Hon'ble Apex Court in ***Jigya Yadav v. Central Board of Secondary Education (supra)*** till amended bye-laws are notified by the CBSE. Therefore, application for correction submitted by the petitioner will have to be considered in the light of the judgment of the Apex Court. However, as pointed out by the

Standing Counsel for the 1<sup>st</sup> respondent, such application should be routed through the 2<sup>nd</sup> respondent-School.

In such circumstances, the writ petition is disposed of directing the petitioner to submit his application for correction of the name of his mother to the 2<sup>nd</sup> respondent. After processing the application and effecting necessary corrections in their records, the 2<sup>nd</sup> respondent shall forward the application to the 1<sup>st</sup> respondent, within two weeks. On receipt of the said application from the 2<sup>nd</sup> respondent, the 1<sup>st</sup> respondent shall consider the request for correction of Ext.P1 certificate of the petitioner. The 1<sup>st</sup> respondent shall consider the applications in the light of law laid down by the Hon'ble Apex Court in Jigya Yadav v. Central Board of Secondary Education (supra) and as per scheme provided in paragraphs 170 and 171 of the judgment. A decision in this regard shall be taken within a further period of six weeks.

Sd/-  
**N. NAGARESH**  
**JUDGE**

SR

APPENDIX OF WP (C) 24429/2021

PETITIONER'S EXHIBITS:

Exhibit P1	THE TRUE PHOTO COPY OF THE S.S.E. CERTIFICATE DATED 31.05.2011 ISSUED BY THE 1ST RESPONDENT.
Exhibit P2	THE TRUE PHOTO COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE DATED NIL ISSUED BY THE HEAD MISTRESS, S.T. JOSEPH'S GIRLS HIGH SCHOOL, KARUKUTTY.
Exhibit P3	THE TRUE PHOTO COPY OF THE AADHAR CARD DATED 02.07.2012 OF THE PETITIONER'S MOTHER.
Exhibit P4	THE TRUE PHOTO COPY OF THE JUDGMENT DATED 17.12.2015 IN W.P. (C) 11948/2015 AND CONNECTED CASES.
Exhibit P5	THE TRUE PHOTO COPY OF THE BIRTH CERTIFICATE DATED 4.4.2019 OF THE PETITIONER ISSUED BY THE SECRETARY OF KARUKUTTY GRAMA PANCHAYATH