

IN THE COURT OF KUMARI JYOTI, CIVIL JUDGE (JR.DIVN.), SUB-DIVISION, HANSI, DISTRICT HISAR. (UID NO.HR0463).

HRHSA00009722022



Civil Suit No.315-C of 2022.
Date of Institution: 20.10.2022.
Date of Decision: **17.10.2023**.
CIS No. CS-849 of 2022.
CNR No.HRHSA0-000972-2022.

Urmila aged about 32 years daughter of Shri Ranvir Singh wife of Shri Azad Singh, resident of village Ghirai, Tehsil Hansi, District Hisar.

..... Plaintiff.

Versus

Board of School Education Haryana, Bhiwani, through its Secretary.

..... Defendant.

SUIT FOR DECLARATION.

Present: Shri Jagdish Chander, Advocate for plaintiff.
Defendant ex parte vide order dated 06.12.2022.

J U D G M E N T:

The present suit has been filed by the plaintiff seeking a decree of declaration to the effect that her actual name is **Urmila** as mentioned in his Secondary School Examination Certificate and other higher qualification certificates i.e. B.A. and M.A. etc., Voter Card, Aadhar Card and PAN Card. However, the same has been wrongly mentioned as Urmila instead of **Urmila** in her Middle and Secondary School Examination Certificates issued by defendant and she has therefore, prayed for rectification of her name accordingly on the basis of oral as well as documentary evidence.

(Kumari Jyoti)
CJ (JD), Hansi, 17.10.2023.
UID No.HR0463

2. The brief facts of the case as stated by the plaintiff are that plaintiff had passed Middle and Secondary Examination in the year 2004 and 2006 respectively from Defendant-Board under Roll No. 370541 and 272563 respectively and certificates in this regard issued accordingly. However, in her Middle and Secondary Examination Certificates, her name is wrongly recorded as *Urmiia* instead of **Urmila** whereas in her other academic qualifications certificates as mentioned in para No.2 (a to j) as well as her Voter Card, PAN Card and Aadhar Card, her name is correctly recorded as Urmila. It is further averred that it is a regular practice of schools to fill up and submit the admission and examination forms by themselves to the defendant-Board and the candidate does not have any exposure to these forms or any other incidental document in relation thereto. Due to this practice, said mistake could not be ascertained to the plaintiff earlier. It was only in the month of August 2022 when plaintiff was in a process of applying for employment and also getting her passport issued and then for the first time, she came to realize that her name has wrongly been mentioned in her Middle and Secondary Examination Certificates, she is facing great hardship and she shall suffer irreparable loss. It is pertinent to mention here that she approached the defendant-Board to rectify these mistakes but defendant refused to accede her request. Hence this suit.

3. Upon notice, defendant failed to appear despite service and thereafter defendant was proceeded against ex parte vide order dated 06.12.2022 and thereafter, case was fixed for ex parte evidence.

4. In ex parte evidence, plaintiff Urmila herself stepped into witness box as **PW-1** and tendered her affidavit Ex.PW1/A on oath in her evidence, wherein she supported the version of plaint. Thereafter, learned counsel for the plaintiff tendered following documents:-

Ex.P-1	Copy of Middle School Examination Certificate of plaintiff.
Ex.P-2	Copy of Secondary Examination Certificate of plaintiff.
Ex.P-3	Copy of Senior Secondary Examination Certificate of plaintiff.
Ex.P-4	Copy of Mark-sheet of B.A. Part-I of plaintiff.
Ex.P-5	Copy of Mark-sheet of B.A. Part-II of plaintiff.
Ex.P-6	Copy of Mark-sheet of B.A. Part-III of plaintiff.
Ex.P-7	Copy of Three years degree course of plaintiff.
Ex.P-8	Copy of Mark-sheet of M.A. Samaster-I of plaintiff.
Ex.P-9	Copy of Mark-sheet of M.A. Samaster-II of plaintiff.
Ex.P-10	Copy of Mark-sheet of M.A. Samaster-III of plaintiff.
Ex.P-11	Copy of Mark-sheet of M.A. Samaster-IV of plaintiff.
Ex.P-12	Copy of degree course of Master of Arts.
Ex.P-13	Copy of Voter Card of plaintiff.
Ex.P-14	Copy of PAN Card of plaintiff.
Ex.P-15	Copy of Aadhar Card of plaintiff.

5. I have heard learned counsel for the plaintiff and have gone through the case file very carefully.

6. Learned counsel for the plaintiff has submitted that her name has been correctly mentioned as **Urmila** in all the public documents i.e.

Ex.P3 to Ex.P15 and due to her name being wrongly recorded as *Urmiia* in Middle and Secondary/Matriculation Examination Certificates, Ex.P1 and Ex.P2 respectively, she is facing great difficulty. The learned counsel for the plaintiff submitted that prior to 2005 only the entries of Matriculation Certificate were taken into consideration by the authorities at the time of recruitment or appointment. But over one decade, it has been made mandatory that the entries of name and date of birth must be same in all the documents of a person. When there is inconsistency in entries of name etc. on account of negligence on the part of school authorities, plaintiff cannot be held responsible for those lapses. Otherwise also, on account of such inconsistency a person cannot get job and in a way she is thereby deprived of her right to livelihood which is violation of Article 21 of our Constitution.

7. The learned counsel for plaintiff also argued that the court can take judicial notice of the fact that in the rural area society at times nick name is recorded in the documents inadvertently. He relied upon a case law titled as *Shweta Sharma Vs. State of Haryana & Ors. 2011 (3) Law Herald, 3774 (P&H)* in support of his contentions. With these submissions, learned counsel for the plaintiff prayed for decreeing the suit.

8. Thus, after having heard the arguments advanced by the learned counsel for the plaintiff and after having gone through the case file carefully, this court is of the considered view that plaintiff has proved her case by leading oral as well as documentary evidence. It is the case of the plaintiff that her name is **Urmila** whereas in the record of the defendant Ex.P1 and

Ex.P2, the name of the plaintiff has been mentioned as *Urmiia*. The plaintiff has sought the declaration to the effect that her name is Urmila. In order to prove her version, plaintiff herself has stepped into the witness box as PW-1 and has reiterated her stand in letter and spirit. Moreover, plaintiff has tendered documents Ex.P3 to Ex.P15 to corroborate her version and support of her case. A perusal of documents Ex.P3 to P15 would go on to show that the name of the plaintiff has been recorded as Urmila in all the Public documents i.e. her all academic qualification certificates/mark-sheet (Except Middle and Secondary Examination), Voter Card, PAN Card and Aadhar Card.

9. From the aforesaid oral and documentary evidence on record, it is clear that name of the plaintiff is Urmila and the said name has been reflected by the plaintiff in Ex.P3 to Ex.P15. The defendant has failed to appear to prove the basis of recording name of plaintiff as *Urmiia*. There is absolutely nothing on file that the name of the plaintiff as recorded in document Ex.P1 and Ex.P2 was based on authenticated version. The educational certificates are the primary documents qua the details of marks obtained by the candidate. Moreover, the evidence led by the plaintiff has gone unrebutted and unrefuted on record and there is nothing to discard the same. Rather, it is in the interest of state that particulars of citizens of the same, in all the identity documents. The plaintiff was definitely minor at the time of mentioning of her particulars in the school record. The law is well settled that no estoppel to apply against minor.

10. In the case of **Shweta Sharma Vs. State of Haryana, CWP No. 6255 of 2010, the Honourable Punjab and Haryana High Court** *has held that name of a child can be changed, name of child if corroborated by his record.* In the case in hand, the plaintiff was issued educational certificate/detailed mark sheet Ex.P1 & Ex.P2 with the name of Urmila but in Ex.P3 to Ex.P15 her name is mentioned as **Urmila**. In such circumstances, if the claim of the plaintiff is not admitted it may cause in great hardship to her. On the other hand, by changing her name from Urmila to Urmila has no adverse effect on the defendant.

11. Even the Hon'ble Delhi High Court in judgment dated 23th March, 2009 in CWP(C) No.3577/2008 titled **Dhruva Parate Vs. Central Board of Secondary Education**, wherein it was held that “*The interests of efficiency of an organization ordinarily determine the guidelines that have to be administered; yet when they constrain the authorities of the organization, which is meant to sub-serve the general public, from doing justice, in individual cases, the guidelines become self-defeating. In such cases, as in the present one, the end result would mean that the petitioner would be left with two certificates with different names and a whole lifetime spent possibly on explaining the difference - hardly conducive to him, reflecting the inadequacy in the system.*”

12. In the case in hand, the plaintiff cannot be held responsible for the clerical mistakes committed by her grand parents or by the school

authorities. Since, on account of such inconsistency in the above said entries of name, the plaintiff can be deprived of getting any job for no fault of her.

13. As a sequel to my fore-going discussion, the present suit of the plaintiff succeeds and the same is hereby **decreed** ex parte with no order as to costs to the effect that the correct name of plaintiff is **Urmila** instead of *Urmiia*, therefore, Board of School Education, Haryana i.e. defendant is directed to rectify the same accordingly. However, plaintiff cannot wriggle herself out from any liability, if any, incurred by her by showing her name as *Urmiia* prior to passing of this judgment. Decree sheet be prepared accordingly and file be consigned to the record room after due compliance.

Announced in open Court:
Dated: 17.10.2023.
(Puneet Kumar, Stenographer-III).

(Kumari Jyoti)
Civil Judge (Jr. Division)
Hansi, UID No.HR0463

Note:- This judgment contains seven pages in all which have been checked and signed by me.

Dated: 17.10.2023.
(Puneet Kumar, Stenographer-III).

(Kumari Jyoti)
Civil Judge (Jr. Division)
Hansi, UID No.HR0463