

HRSOB00008672022



Presented on : 11-10-2022
Registered on : 11-10-2022
Decided on : 22-11-2023
Duration : 1 years, 1 months, 11 days

**IN THE COURT OF
Civil Judge (Junior Division) AT Gohana, Sonipat
Presided Over by Sh. Sanjay**

CS/672/2022

Priyanka D/o Balbir Singh aged 31 years , now wife of Sunil r/o village
Saragthal, Tehsil Gohana, District Sonapat

.....Plaintiff

Versus

1. State of Haryana through Collector, Sonapat
2. The Board of School Education Haryana, Bhiwani, through its
Secretary
3. Bharat Vidhya Peeth College of Education, village Kasandi,
Tehsil Gohana District Sonapat through its Principal

..... Defendants

**SUIT FOR DECLARATION WITH CONSEQUENTIAL RELIF OF
MANDATORY INJUNCTION**

Present: Sh. Dalel Singh , Advocate for the plaintiff.
Sh. Rajesh Indora, Ld. GP for defendant no. 1.
Defendant no. 2 proceeded against exparte vide order dated
01.05.2023
Sh. Manjeet Duhan, Advocate for defendant no.3

JUDGMENT:-

In brief, the case of the plaintiff is that the plaintiff passed her diploma course from defendant no.3 under The Board of School Education Haryana Bhiwani in the year 2021. The certificates were in the custody of defendants till declaration of final results for Diploma course examination. Plaintiff got surprised to see that signature of the Ritu in place of plaintiff namely Priyanka has been appended in the signature column upon the diploma certificate, certificate and other pass certificate during the Diploma Course. The defendant no.2 took the signature of the students and thereafter scanned and forwarded to defendant no.1. Wrongly scanned signatures tagged with the photograph of the plaintiff by the defendant no.2 or were printed wrongly at the defendant no.1. The plaintiff will suffer problems due to the mismatch of the signatures. The plaintiff approached to the office of the defendants to rectify the mistake but the defendants refused to do the same and shown their inability to do so. Hence, the plaintiff is left with no other alternate except to file the present suit before the Hon'ble Court.

3 Upon notice, defendant no. 3 appeared and filed admitted written statement and stated that plaintiff initiated the matter with Board of School Education but the defendant no.3 refused to take action upon the matter and asked to approach to the Hon'ble Court. In the end he stated that suit of the plaintiff be decreed with as per law in the interest of justice.

4 Learned GP for the State appeared on behalf of defendant

no.1 and suffered statement that he does not want to file written statement and written statement filed by defendant no.3 be also read on his behalf

5 Defendant no.2 did not appear before the court and was proceeded against exparte vide order dated 01.05.2023,

6. Replication not filed. From the pleadings of the parties, following issues were framed on 06.04.2022 by the Court of the then Id, CJ(JD), Gohana for adjudication:-

- 1 Whether the plaintiff is entitled to a decree for declaration as prayed for? OPP
- 2 Whether the plaintiff is entitled to a decree for mandatory injunction as prayed for ? OPP
- 3 Relief.

7. In order to prove her case, the plaintiff examined herself as PW1, Vinod Kumar as PW2 who tendered their duly sworn affidavit Ex.PW1/A and Ex.PW2/A respectively in their examination-in-chief. Apart from them, the plaintiff has also placed on record following documents in support of her claim:-

- | | |
|-------|---|
| Ex.P1 | Certificate of Diploma in Elementary Education
First year examination |
| Ex.P2 | Certificate of Diploma in Elementary Education
second year examination |
| Ex.P3 | Diploma in Elementary education |
| Ex.P4 | Application for correction |
| Ex.P5 | Copy of Aadhar card of Priyanka |
| Ex.P5 | Receipt |
| Ex.P6 | Copy of PAN Card |

Ex.PW2/B Application form

Ex.PW2/C Letter dated 12.10.2021

Ex.PW2/D Copy of register

Thereafter, plaintiff closed her evidence on 15.09.2023, vide separately recorded statement.

8. On the other hand, defendants no. 1 and 3 did not lead any evidence and thereafter evidence of defendants no.1 and 3 closed by court order vide order dated 08.11.2023.

9 I have heard argument/contentions raised by Ld. Counsel for the plaintiff and Ld. GP for defendant no. 1 and learned counsel for the defendant no.3 and have perused the records placed on the case file. My issue-wise findings are as follows:-

Issue No.1and 2

10. Burden to prove these issue was upon the plaintiff. Ld. Counsel for the plaintiff contended that the plaintiff's correct name is Priyanka instead of Ritu which has been wrongly appended in the signature column upon the diploma certificate, certificate and other pass certificate during the Diploma Course. These are wrong entries which are required to be corrected. The plaintiff many times requested the defendants to correct the aforesaid entries as per her Aadhar card and PAN card. But the defendants have not paid any heed. The aforesaid wrong entries are liable to be corrected in accordance with the documents related to her Adhar Card and PAN card.

11 Learned counsel for the defendant no. 3 argued that suit of the plaintiff be decreed as per law, in the interest of justice.

12 In order to prove his case, the plaintiff has examined herself as PW1 and she tendered her affidavit as Ex.PW1/A. In her cross-examination she denied to the suggestion that he approach the school for correcting her signature as per document supplied at the time of admission.

13 As PW2 Vinod, clerk posted at Bharat Vidhyapeeth college of Education support the version of the plaintiff. In his cross-examination he deposed that examination form signed by the student. It is correct that the signed scanned by official of institution. Form and signatures are scanned separately. He denied to the suggestion that he has deposing falsely.

14 In the documentary evidence, the plaintiff has placed on record the impugned documents i.e. Ex. PW2/B and Ex.PW2/C, Ex.P4 and Ex.P6 which shows the correct signed of plaintiff Priyanka instead of Ritu. Ex.P1 to Ex.P3 are the alleged entries which are required to be corrected by the defendants.

15. It is also coming up from the oral testimony of PW1 that her signatures were wrongly scanned. It appears that it might have mistakenly and under misunderstanding and wrong impression got scanned her signed. There is no malafide intention of plaintiff for taking undue advantages from the Government Authority if plaintiff's signature is corrected as per her original signed.

16. It is the contention raised by Ld. counsel for defendants that proposed corrections cannot be made in the records now as per the provisions. The entries have been filled by plaintiff only which have been

further forwarded to the Board of School Education Bhiwani and therefore only, the impugned entries have been recorded. It is further argued that now the plaintiff cannot take advantages of his own wrongs.

17. Admittedly, the form of the plaintiff was filled by the plaintiff. She cannot be made to suffer in future for the wrongs/inadvertent mistakes done by his parents/ relatives/ guardians etc.

18. After having heard Ld. counsel for the parties at considerable length and after careful examining the record placed on the case file and after giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the genuineness or the authenticity of the Adhar Card and PAN card are not disputed by the defendant, the present claim of the plaintiff deserves to be allowed.

19. Moreover, it has neither been pleaded nor argued on behalf of defendants that plaintiff is going to be undue benefited if the correction sought in his examination certificate. During the course of argument, Ld. counsel for the defendant could not substantiate their argument as to what was the disputed question of fact in the present case. Similarly, defendant could not doubt the genuineness and authenticity of the other supporting documents i.e. Adhar Card and PAN card. It is settled proposition of law that peculiar facts and circumstances of each case are to be seen, considered and appreciated independently.

20. Since the defendants have not led any specific and cogent oral or documentary evidence in order to refute the claim of plaintiff, meaning thereby, it seems to be not disputing the documents placed on record by the plaintiff in support of his claim. Meaning thereby,

defendant has also acknowledged the fact of correction of signatures of plaintiff. Moreover, nothing substantial against the claim of plaintiff could be elicited out even after cross-examination of witnesses. In such circumstances, court can satisfactorily rely on the documents placed on record by plaintiff in support of her claim.

21. There is abundance of evidence on record produced by plaintiff to substantiate that her correct name is Priyanaka instead of Ritu which has been wrongly signed in his Certificates. This Court does not find any reason as to why corrections cannot be made in the said certificates. Moreover, the court is of the opinion that if the said changes are made, then, no loss or injury to the Government will occur.

22. After an overall assessment of oral as well as documentary evidence led by the plaintiff, it is clear that the plaintiff has successfully proved on record issues no.1 and 2 in his favour. Accordingly, finding on these issues goes in favour of plaintiff and against the defendants.

Issues No.3 to 6:-

23 Burden to prove these issues is upon the defendant. All these issues are being dealt with together for `the sake of convenience and brevity. During argument, the defendants have not pressed upon these issues. However, in view of the aforesaid discussion on forgoing issues, issues no. 1 and 2 go in favour of plaintiff and are decided against the defendants.

Issue No.7 (Relief)

24. As a sequel of my aforesaid discussion, observations and

findings on the abovesaid issues, this court is of the considered opinion that plaintiff has established and proved her case fully and in view of that, the suit of plaintiff succeeds and is hereby **decreed**. It is hereby declared that the correct and actual name of the plaintiff is Priyanka instead of Ritu. Hence, the same is liable to be corrected in the records of defendants maintained by them pertaining to plaintiff. The defendants are hereby directed to amend/correct name of plaintiff in her Certificates pertaining thereto and to issue the fresh certificates to her. Parties are left to bear their own costs. Decree sheet be prepared accordingly. File after needful be consigned to the record room.

Announced:
22.11.2023

(Sanjay)
Civil Judge(Jr. Division),
UID Code no. HR-0391
Gohana.

Note: All the ten pages of this judgment have been
checked and signed by me.

(Sanjay)
Civil Judge(Jr. Division),
UID Code no. HR-0391
Gohana.

Typed by: Praveen