

IN-DEPTH RESEARCH ON THE GENESIS OF MARKSHEET AND CERTIFICATE ALONG WITH THE LEGAL PROCEEDINGS IN TERMS OF DATE OF BIRTH CHANGE/CORRECTION

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ABSTRACT

In this article, we will look into the genesis of the term marksheet and certificate, we will also look at the differences between the two. In the end, we will take a look into the various case studies in Indian Judiciary that is related to the topic. Actual judgements are mentioned in the case studies. Moreover, this article dwells deep into the process of name change or birth date correction in the CBSE board and other similar boards. The processes and guidelines are mentioned comprehensively in this article and it will help you get a 360-degree understanding of the same.

Keywords: *Central Board of Secondary Education, Court Order, Kerala High Court, Delhi District Court, Marksheet, Certificate, Legal Proceedings, Boards, Transcript, Universities, Schools, Name Correction, Date of Birth Correction*

INTRODUCTION

From a very young age, every child begins their educational journey from the age of four or five. He/she studies every day of his/her life in the school, except the holidays and weekends. Moreover, education is a huge part of everybody's life. Whatever we achieve in this duration, our marksheet reflects it. The marksheet and certificate are a lifetime proof of our education and academic capabilities. People can use their marksheet as proof of birth, identity proof or qualification proof to get jobs, visas, or other identity cards from the government institutions. However, if you have a different name or date of birth in your certificate then what can you do to change it? Well, this article dwells deep into the process of name change or birth date correction in the CBSE board and other similar boards. Several case studies have been mentioned below to give a broader understanding of the current CBSE guidelines and processes.

GENESIS OF MARKSHEET

A marksheet is a document that indicates the total marks achieved by a student for their academic work. The etymology of the word 'marksheet' is mark + sheet. The synonyms of marksheet are transcript, marklist, report card, and permanent record. In the United States of America, a marksheet is called the Cumulative Record File (CRF). In the European countries, the ECTS system is used and the marksheet is called Transcript of Records (ToR). A marksheet is a copy of a student's academic records and it's permanent till he/she files for improvement exams. The marksheet of a student includes all courses taken by the student, all grades received by them in the academic year, all honours or degrees received by the student during his academic duration in the school or college. The marksheet or transcript may also include the average grade of the class or a total number of students in that particular class or even the rank of the student amongst other students in the class.

An official marksheet is developed by the issuing college or school or institution and it's signed by the Dean of the college or Principal of a school. The marksheet is prepared on the letterhead of the institute or school and it is sealed by the organization. Marksheet is the most often used

mode of releasing marks and achievements of a student that he/she can use throughout his life for career or academic advancements.

Most of the countries today follow the English Education System that came from Britain in the colonial era. Some of the first educational institutes in Britain in the sixteenth century came up with the system of providing marksheet or transcript to the students that operate as a record of education that has lifetime validity. For every job or career, we require a proof of education that ensures the hiring company that the concerned person is well-equipped for the job position. Even if a person wants to apply for higher education then he/she must have a marksheet to acquire admission in other schools or colleges. The major section of a marksheet is the official seal of the university or college, stamp of the institute, information about course or degree, grades obtained by the student in each subject, personal information of the student, remarks from the teacher, and signature of the head of the institute like dean or principal.

GENESIS OF CERTIFICATE

A certificate is an official document that attests something related to their organization. There are several certificates given by government institutions that attest certain facts about its citizens. For example, every person gets a birth certificate that attests that a person was born in that particular city and hospital. Moreover, there are several other types of certificates that every person requires from time to time in their life and some of them are death certificate, migration certificate, passing certificate, BPL certificate, SC/ST/OBC certificate, achievement certificate, award certificate, participation certificate, etc. It works as a proof or guarantee of something. It's basically a document that certifies the authenticity of something. It's mostly used in academics and it works as a proof of education or a motivating factor for the students.

A certificate is provided by an official certified organization that has the authority to give a certificate to the eligible candidate after following a particular procedure. An academic certificate is basically a document that certifies that a student has received specific education and he has passed a test or a series of tests from that organization or institute. In different countries, various types of certificates are provided by the school or university to attest that a student has passed a certain course or has achieved something that is mentioned in the

certificate. A certificate is also used to acknowledge the change of university or leaving of an institution and those certificates are called migration certificate and leaving certificate, respectively.

In some countries, certificates are qualifications in the university or higher education. For example, in Ireland, the National Certificate is awarded to students who complete their higher education in college or a university and it will soon be called as Higher Certificate. These certificates are at an undergraduate level and the Graduate Certificate is at a graduate level but it requires the completion of a prior undergraduate degree for admission. In some countries, the certificate is below the standard of the associate degree and diploma, which are below the bachelor's degree.

DIFFERENCE BETWEEN MARKSHEET & CERTIFICATE

To understand the difference between marksheet and certificate, we must understand what is a marksheet and what is a certificate. Basically, a marksheet is a document issued by educational institutions or boards which contain the total marks scored by the student the in a semester or annual examinations. Whereas, a certificate is a document issued by educational institutions and boards which states and acknowledges that the students have cleared all the subjects and now they are eligible to enrol in other universities or institutions for degree courses. Marksheet simply gives you the total marks a student scored in the subjects. On the other hand, the passing certificate is just a document that shows that the student has passed that class and they have cleared all of the papers. Other than passing certificate, there are also other certificates that are given to the students at the time of graduation or passing out from an institution. Some of them are migration certificate, leaving certificate, provisional certificate, certificate of authenticity, degree certificate, graduate certificate, participation certificate, etc. All of these certificates have a different purpose and it's given based on several criteria.

The key difference between marksheet and certificate is that a marksheet is just a document that lists all the classes taken by the student, all the exams attempted by the student and also the grades the student acquired in that particular exam and class. A certificate is a document that signifies that a specialized degree program or a course has been completed by the student

and he has graduated from the school or university. These two terms both signify a piece of paper that basically displays a student's academic progress and achievements. However, they are slightly different from each other.

A transcript or marksheet can be acquired by the student during the academic year, including on a yearly or semester basis. The marksheet is crucial when it comes to applying for college or higher education, as most colleges use it to deem if the student should be accepted into the college or not. On the other hand, a certificate is only issued after a student has qualified and graduated from the university, school or institute.

NAME CHANGE ON MARKSHEET AND CERTIFICATE IN CBSE

If someone wants to make changes in their Name and Surname in any of their certificate or marksheet in the 10th or 12th marksheet then they can apply for changes through the following procedure.

Procedure for applying for changes in Name or Surname in Marksheet or Certificate for 10th or 12th class in CBSE

Step 1: Download and print the Application form and take a printout of the Application form. Visit this link to obtain the form - <http://cbse.nic.in/faq/dupform.pdf>.

Step 2: Read all the instructions given at the bottom of the Application Form. Then fill up the application form carefully.

Step 3: Prepare the documents required for making corrections in the Name. The required documents are mentioned below, you don't need all the documents, however, the CBSE may ask any one or more of these documents.

- Admission form of the student filled by the parents at the time of admission.
- School Leaving Certificate of the previous school that was submitted at the time of admission.
- Birth certificate or identity proof.

- Publication of name correction in the newspaper.

Step 4: Pay fee for the concerned documents

- Fee for Name Change or Correction in Mark sheet or Certificate – Rs.500
- Fee for Change or Correction in Candidate's Father's Name/Mother's Name/Guardian's Name – Rs.1000 + Cost of the Document
- Cost of Duplicate Migration Certificate/Provisional Certificate/Marksheet – Rs.100

Now, the student just has to wait for a few days till the CBSE makes the said changes and sends the new copy of marksheet or certificate to their postal address.

DATE OF BIRTH (D.O.B.) CHANGE IN MARKSHEET AND CERTIFICATE IN CBSE

As per the CBSE Rule - 69.2 of the Examination Byelaws of the CBSE Board, there can be no change in the date of birth (d.o.b) once it's recorded in the Board's records. However, corrections to correct typographical errors to make the certificate or marksheet consistent with the school records can be made if corrections in the school records have not been made after the submission of the application form for examination in the CBSE Board. Such correction in the d.o.b of a candidate is only allowed in case of genuine clerical errors made erroneously in the student's application form. Request for correction of date of birth has to be placed by the Head of the school or Institution along with attested photostat copies of the following:

- Admission form of the candidate of the school
- School leaving certificate of the previous school, if any
- Application written by the head of the institution
- Proof of date of birth like a birth certificate

The application or request for correction in the date of birth, duly forwarded by the Head of the school or institution along with the documents mentioned above, will be entertained by the CBSE board only within one year of the date of declaration of result. No correction whatsoever will be made on the certificate or marksheet submitted after the said period of one year.

If you want to change the date of birth in your certificate after one year then you must get a court order to get it changed in your CBSE records. Moreover, you can also change your date of birth in your class 10th certificate by getting a fresh birth certificate with the changed date of birth by writing an application to the municipal officer of your area mentioning that your birth certificate was not issued at the time of birth due to you being born in a remote area. In the application, you must mention that for whatever reason, your date of birth is wrong in your birth certificate and a new one should be issued based on the documents provided by you to the municipal officer. After verification and validation of the documents, the municipal officer will issue a new birth certificate with the said changes. This birth certificate can be presented to the CBSE board to initiate the change of details in your marksheet and certificate.

In India, most of the government institutes accepts 10th and 12th marksheet as a proof of birth date however it is nearly impossible to make any changes to the date of birth of the candidate in the certificate of marksheet after one year of the declaration of exam until and unless the mistake is made by the school or CBSE board member. The main reason for forbidding changes in the D.O.B of a student is to curb out any chances of manipulating the age or date of birth at admission. With this measure, people are unable to declare the wrong age or date of birth to get government jobs or admissions. Still, there are limited measures to change the date of birth and relevant channels like courts and lawyers are required to direct application to the CBSE board or any other board in India to make these changes in the marksheet and certificate.

CASE STUDY

Case 1 - Anu Anil vs Central Board of Secondary Education on 22 October 2018 in Kerala High Court

The petitioner Anu, in this case, was aggrieved by the refusal of the respondent CBSE authority in taking necessary steps to correct the date of birth of the petitioners in the CBSE Board records. The plea was not entertained by the CBSE because the request has been submitted beyond the permissible time limit as per the CBSE norms. According to the petitioner, her date of birth has been correctly shown in the birth certificate issued by the Registrar of Births and Deaths under the provisions of the Registration of Births & Deaths Act and the rules framed thereunder as 02.04.1995 and that her birth has been registered on 07.04.1995. However, her date of birth has been mistakenly shown as 02.05.1996 in the school records and CBSE records.

The petitioner was seeking correction of date of birth in the school records and the CBSE records to be in tune with the entry of the date of birth in the statutory birth certificate. In this case, Judge Alexander Thomas gave a judgement based on article 226 in the favour of the petitioner and the CBSE board was ordered to provide a new marksheet and certificate to the petitioner in exchange of Rs. 5000 as demand draft.

Case 2 - Awnish Thukral vs State and CBSE on 31 May 2016 in Delhi District Court

The plaintiff Awnish had filed a suit in order to correct his date of birth in the record maintained by the CBSE Board and also in order to obtain a matriculation certificate and marksheet issued by the CBSE Board with his correct date of birth. The exact date of birth of the plaintiff is 14.09.1989 and she was born in Roop Nagar Hospital, Delhi and the concerned department of MCD issued a Birth Certificate, thereby showing that the plaintiff was born on 14.09.1989. She pursued his secondary education with the CBSE Board and passed his matriculation in the year 2005 vide Roll No. 6122607. While the plaintiff was going through his Marksheet, she realized that his date of birth was wrongly mentioned as 02.03.1989 instead of 14.09.1989. Further, since she was of tender age at that time so she did not take it seriously. However, now she was facing a lot of hardship in his application for government jobs since there is a contradiction in the date of birth reflected in marksheet and his certificate of Class X issued by CBSE Board.

The plaintiff had failed to prove that his date of birth has been wrongly mentioned as 02.03.1989 instead of 14.09.1989 in the Certificate and Marksheet issued by the CBSE. Hence, the case was decided against the plaintiff and in favour of the CBSE Board. In this case, in the

school records, the date of birth is mentioned as 02.03.1989, whereas the plaintiff has claimed that his actual date of birth is 14.09.1989. However, he approached the Court in the year 2014 i.e. when on the basis of his actual birth certificate he was more than 21 years of age. Thus, he could not seek correction of date of birth on the marksheet on the basis of the certificate issued by the MCD.

TAKE OF CBSE ON IT

In 2017, CBSE came up with a decision that has put thousands of students in a spot. The CBSE Board issued an order that stated that any change of name or surname or date of birth of any student will be done only through a court order and only if the change has been granted by the court of law. Also, it must be notified in the government or official gazette or newspaper before the publication of the candidate's result. An order by CBSE stated that no correction can be made in the date of birth of any candidate after five years of the date of result declaration or date of issue of the certificate unless the students get a court order against it.

CONCLUSION

While concluding, we can say that the new orders and notifications by courts and CBSE Board has made the process of name/surname/date of birth correction or change challenging and complicated. The parents and the students have to go through a long judicial process to get these change or corrections in the marksheet or certificate. To go through the legal process, the plaintiff must have a lawyer to present their case in front of the judge. The judicial process can be lengthy or complicated, however, it is not impossible to get it done. If your case is genuine and you have the right evidence to prove your case then you can win the judicial proceedings and the CBSE Board will be bound to provide you with a new certificate and marksheet.

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