

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.226 of 2023**

Sanchita Podder

.....Petitioner(s)

Versus

Tripura Board of Secondary Education and Another

.....Respondent(s)

For Petitioner(s)	:	Mr. Samarjit Bhattacharjee, Adv.
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For Respondent(s)	:	Mr. D. Bhattacharya, G.A.
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HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

19.04.2023

Heard Mr. M. Debbarma, learned counsel appearing for the petitioner as well as Mr. P. Saha, learned counsel appearing for the respondents.

2. By means of this writ petition, the petitioner has prayed for direction upon the respondents to correct the Admit Card, Mark Sheets, Certificates of the petitioner issued by the TBSE, for Madhyamik Pariksha (Secondary Education) 2014, to incorporate the name of Late Babul Chandra Poddar as the father of the petitioner after deleting the names of Subir Chandra Poddar and Shilpi Poddar from those documents. The petitioner has also urged for reading down the provision of Regulation-5d of Tripura Board of Secondary Education (Admission and Examination) Regulation, 2008, as hit by Article 14 of the Constitution of India.

3. The petitioner has also prayed for quashing the letter dated 21.12.2020 issued by the Deputy Secretary, TBSE by which they refused to incorporate the name of Late Babul Chandra Poddar as the father of the petitioner after deleting the names of Subir Chandra Poddar and Shilpi Podder.

4. Mr. S. Bhattacharjee, learned counsel appearing for the petitioner has submitted that the biological parents of the petitioner has given him the adoption to his paternal uncle namely Subir Chandra Poddar. He has referred to the letter dated 21.12.2020 issued by the Tripura Board of Secondary Education where his claim have been rejected. For better reference, the full text of the letter dated 21.12.2020 is reproduced hereunder :

"In response to your letter dated 9th December, 2020 I am directed to inform you that in Section 5(d) of Tripura Board of Secondary Education (Admission and Examination) Regulations, 2008 it is clearly stated "Application for correction of name or surname of father/mother of a student after his/her registration in the Board shall be entertained only in case of clerical errors....."So, there is no scope of TBSE to replace and/or omit the name of father/mother recorded except clerical error."

5. In order to support his contention Mr. Bhattacharjee, learned counsel has relied on a judgment of the apex court in **Jigya Yadav versus Central Board of Secondary Education and Others** reported in **(2021) 7 SCC 535**.

6. Having heard both sides this court directed the respondents to reconsider the case of the petitioner setting aside the impugned order of rejection dated 21.12.2020 which have been reproduced hereinabove and the

matter be remanded back to the respondents. Since it stands on a special footing with regard to the parents giving him adoption changing his names and obviously the change in the birth certificate and the names entry in the School Register at the time of admission, accordingly this request with special consideration have been made with a pragmatic view. In the light of the same, learned counsel appearing for the petitioner referred a judgment of the apex court in **Jigya Yadav**(supra) where it has been stated that the respondents needs to be consider the case of the petitioner. Accordingly, the writ petition is disposed of directing the respondents to reconsider the case of the petitioner within a period of two months from the date of receipt of a copy of this order in accordance with law.

In terms of the above, the present writ petition is disposed of.

JUDGE

