

GAHC010122382023



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3285/2023

LEMUEL PRAVIN
S/O- ANKASH PRAVIN
PERMANENT RESIDENT OF-
HOUSE NO.- 419 A, FAITH HOME,
MECHIRA JN, KERELA, KILLY, VTC KULATHUMMAL,
P.O.- KOLLODE, DISTRICT- THIRUVANANTHAPURAM,
KERALA, PIN- 695571.
PRESENTLY RESIDING AT-
ABC TARUN NAGAR, BYE LANE NO. 2,
SKYLINE HOUSING FLAT NO. 2A,
GUWAHATI, KAMRUP(M), ASSAM,
PIN- 781005.

VERSUS

THE CENTRAL BOARD OF SECONDARY EDUCATION AND 5 ORS
REPRESENTED BY ITS CHAIRPERSON,
SHIKSHA KENDRA, 2, COMMUNITY CENTRE,
PREET VIHAR, NEW DELHI- 110092.

2:THE DIRECTOR
CENTRAL BOARD OF SECONDARY EDUCATION (CBSE)
REGIONAL OFFICE
SHILPAGRAM ROAD
NEAR SHANDAR DEV KALAKSHETRA
PANJABARI
GUWAHATI
KAMRUP(M)
ASSAM, PIN- 781037.

3:THE REGIONAL DIRECTOR
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE SHILPAGRAM ROAD
NEAR SHANKAR DEV KALAKSHETRA
PANJABARI, GUWAHATI
KAMRUP(M), ASSAM, PIN- 781037.

4:THE ASSISTANT SECRETARY (EXAM)
CENTRAL BOARD OF SECONDARY EDUCATION
REGIONAL OFFICE SHILPAGRAM ROAD

NEAR SHANKAR DEV KALAKSHETRA

PANJABARI
GUWAHATI
KAMRUP(M)
ASSAM.
PIN- 781037.

5:THE CONTROLLER OF EXAMINATION
CENTRAL BOARD OF SECONDARY EDUCATION
SHILPAGRAM ROAD
NEAR SHANKAR DEV KALAKSHETRA

PANJABARI
GUWAHATI
KAMRUP(M)
ASSAM

PIN- 781037.

6:THE PRINCIPAL OF LIVINGSTONE FOUNDATION HIGHER SECONDARY
SCHOOL
DIMAPUR
DISTRICT- DIMAPUR
NAGALAND

PIN- 797112

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : SC, CBSE

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

09-06-2023

Heard Mr. N.K. Murry, learned counsel for the petitioner. Also heard Ms. R. Bora, learned standing counsel representing the CBSE.

The petitioner, namely, Sri Lemuel Pravin, passed the Central Board of Secondary Education (CBSE) from Livingstone Foundation Higher Secondary School, Dimapur, Nagaland, in the year 2018, under Roll No. 3148737. The said examination was conducted by the CBSE wherein, in the Admission Card, the names of the petitioner, his mother and his father are indicated as Lemuel, Nukshitola and D Ankash Praveen respectively. The same names are also reflected in the marks statement of the CBSE and also in the Transfer Certificate issued by the Livingstone Foundation Higher Secondary School, Dimapur, Nagaland.

It is the case of the petitioner that his name should have been reflected as *Lemuel Pravin*. The public documents relating to the petitioner, the mother of the petitioner and the father of the petitioner indicate the correct name as Lemuel Pravin, Nukshitola Pravin and Ankash Pravin respectively.

Accordingly, the father of the petitioner made an application on 13-06-2018 before the Principal of Livingstone Foundation Higher Secondary School, Dimapur, Nagaland, for rectification/correction of the petitioner's name as well as the name of the parents in the Admit Card, Mark sheet and in the Transfer Certificate pertaining to the petitioner. After the petitioner attained majority, he also made an application before the Controller of Examination, Central Board of Secondary Education, Guwahati, Kamrup (M), Assam, praying for rectification/correction of his name as well as that of his parents in his Admit Card, Mark Sheet and Transfer Certificate.

The petitioner also made a paper publication in the Times of India on 30-05-2022 with regard to the correction of his name, the names of his mother and father. The same was also gazetted in the Gazette of India from Saturday July 9 – July 15, 2022.

However, till date, since no rectification/correction has been made with regard to the name of the petitioner, his mother and his father, the petitioner is before this Court by way of present writ petition.

Ms. R. Bora, learned standing counsel of CBSE relying on the case of **Jigya Yadav (Minor)(through guardian/father Hari Singh) vs. C.B.S.E. (Central Board Of Secondary Education) & ors.**, reported in **(2021) 7 SCC 535**, submits that the CBSE authority will have to consider the case of the petitioner in terms of the ratio laid down in the said judgment.

Recording the submission made by Ms. Bora, learned standing counsel, CBSE, this writ petition is disposed of directing the petitioner to make an application for rectification/correction of his name, the name of his mother and the name of his father before the Regional Officer, CBSE, Guwahati, Assam, within a period of 10 days from today by annexing copies of all related public documents in respect of the petitioner, his mother and his father as well as the Gazette of India publication.

Thereafter, the concerned authority of the CBSE shall consider the case of the petitioner within a period of three weeks from the date of receipt of the representation from the petitioner, in terms of the ratio laid down by the Hon'ble Supreme Court in the **Jigya Yadav** (supra).

With the above observations and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant