

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 67 of 2024

Shri. K.S. Lenminthang alias Lenminthang Keishing,
aged about 41 years, S/O K.S. Mohan, resident of
Nambashi Kachumram Village, P.O. Yairipok, P.S.
Kasom Khullen, Kasom Khullen Sub-Division,
Kamjong District, Manipur – 795149.

...Petitioner

-Versus-

1. Chairman, Board of Secondary Education, Manipur,
Babupara, P.O & P.S. Imphal, Imphal West District,
Manipur- 795001.
2. State of Manipur, represented by Secretary, Board of
Secondary Education, Manipur, Babupara, P.O. &
P.S. Imphal, Imphal West District, Manipur- 795001.
3. Head Master/Head Mistress, Thambaljao High
School, Uripok, Lamphelpat, Imphal West District,
Manipur- 795004.

.... Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

For the Petitioner	::	Mr. Tungrei Ngakang
For the Respondents	::	Mr. Irom Denning, Advocate for R-1 and R-2; Mr. Dayali Elangbam, Advocate for R-3
Date of Hearing and Judgment & Order	::	17.09.2024

JUDGMENT AND ORDER

(ORAL)

Siddharth Mridul (C.J.),

1. Shri. K.S. Lenminthang alias Lenminthang Keishing (hereinafter referred to as Petitioner) has approached this Court by way of the present writ petition under Article 226 of the Constitution of India essentially seeking a direction to the Board of Secondary Education, Manipur (hereinafter referred to as “the Board”) to process his name change application as well as to declare the byelaws relating to change of name as *ultra vires* the Constitution.

2. It is the petitioner’s asseveration that he was born and brought up at Nambashi Kachumram Village and he did his initial schooling from Thambaljao High School, Uripok, Imphal West. The petitioner took admission in the above said school in the year 1993 bearing admission No. 37 Class V, and his name is recorded as Lenngam Keishing, resident of Nambashi village, Tangkhul Tribe. The petitioner asserts that his father had named him as “Adriel Yurthan Keishing” but since his mother belongs to one of the constituent tribes of Kuki-Zomi, she gave him the nickname as “KS Lenminthang alias Lenminthang Keishing”.

3. In view of the foregoing, it is the petitioner’s contention that owing to an inadvertent mistake, his name was originally incorrectly recorded as “Lenngam Keishing” in the school record.

4. However; admittedly; subsequently the petitioner's name has been reflected as "KS. Lenminthang" in his academic records including matriculate Admit Card, Marksheet, High School Leaving Certificate, etc.

5. The petitioner passed the matriculate examination in the year 1998 from Thambaljai High School which records his name as "K.S. Lenminthang alias Lenminthang Keishing".

6. The petitioner is desirous of changing his name from "K.S. Lenminthang alias Lenminthang Keishing" to "Adriel Yurthan Keishing".

7. The petitioner, therefore, filed an application before the Board seeking change of name, which application the latter did not process, in view of the extant bye-laws, which permit change of name only before the publication of the results of the application and not otherwise, except upon a direction issued in this behalf by a Court of law.

8. There is no quarrel with the admitted legal position that the above issue is no longer *res integra*, in view of the dictum of the Hon'ble Supreme Court in **Jigya Yadav Vs. CBSE (2021) 17 SCC 535**, wherein it has been elaborated as follows :

"Issue 2: whether CBSE Examination Bye-laws imposed reasonable restriction on exercise of right under Art. 19 of the constitution? "the core existence of an individual is not exemplified by her outer characteristics but by her inner self-identification and also about the significance of the acquired identity in the form of name. The identity of an

individual is one of the most closely guarded areas of the constitutional schemes in India.

Identity is an amalgam of various internal and external including acquired characteristics of an individual and name can be regarded as one of the foremost indicators of identity. And therefore, an individual must be in complete control of his or her name and law must enable her to retain as well as to exercise such control freely “for all times” which includes the aspiration of the individual to be recognised by different name for a just cause. Art. 19(1) (a) of the constitution provides for a guaranteed right to freedom of speech and expression which would include the freedom to lawfully express one’s identity in the manner of their liking. In other word, expression of identity is a protected element of freedom of expression under the constitution.

The bye-laws permit change only if permission of the court has been obtained prior to the publication of the result. The provision is problematic on certain counts. First, it is not a mere restriction on the right it is a complete embargo on the right post publication of result of the candidate. It failed to take into account the possibility of need for change of name after publication of result including the uncertainty of time line required to obtain such declaration from the court of law due to law’s delay and upon which the candidates has no control whatsoever. The bye-laws completely overlook this possibility when it ordains seeking declaration from the court prior to the publication of result of the examination concerned conducted by it.

To use administrative efficiency to make it practically impossible for a student to alter her identity in the board certificates, no matter how urgent and important it is, would be highly disproportionate and can be in no manner be termed as a reasonable restriction.

The court further held that as regards request for “change” the second possibility is when the request for change is due to the acquired name by choice at the later point of time, such change need not be backed by public documents pertaining to the candidate. However, such request may be entertained upon insisting for prior permission/declaration by the court of law in that regard and publication in the officer Gazette including surrender/return of original certificate issued by CBSE and upon payment of prescribed fees.”

9. A plain reading of the above extracted paragraphs leaves no manner of doubt that every individual enjoys the right of unfettered choice in so far it relates *inter alia* to his or her name and the law enables such an individual to control freely for all times the freedom to lawfully express their identity in the manner of their liking. In other words, the extent byelaws cannot preclude the petitioner from seeking to change his name as he deems-appropriate. The right so to do is embodied in Article 19 (1) (a) of the Constitution of India in terms of the decision in **Jigya Yadav and Others.** (supra).

10. In view of the foregoing, the present writ petition is partly allowed. The Board is directed to process the petitioner's application for change of name from "K.S. Lenminthang alias Lenminthang Keishing" to "Adriel Yurthan Keishing" expeditiously and preferably within a period of 6 (six) weeks from today.

11. No further relief is prayed for.

12. With the above direction, the writ petition and the pending application is disposed of.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil