

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

WP(C) No. 545 of 2024

Taurus Nongthombam

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

02-12-2024

Heard Mr. Ch. Ngongo, learned senior counsel assisted by Ms. Gangarani, learned counsel appearing for the petitioner, Mr. Th. Vashum, learned GA appearing for the respondent No. 1, Mr. I. Denning, learned counsel appearing for the respondent No. 2 and Mr. L. Raju, learned counsel appearing for the respondent No. 3.

The only prayer made in the present writ petition is allowing to change the name of the present petitioner from “**Taurus Nongthombam**” as recorded in her educational certificates to “**Jerre Nongthombam**”.

At the outset, Mr. Ch. Ngongo, learned senior counsel appearing for the petitioner submitted that the issue of change of name as recorded in the educational certificates has been decided by the Hon'ble Apex Court in the case of “**Jigya Yadav (Minor) v. C.B.S.E (Central Board of Secondary Education) & ors.**” reported in **AIR Online 2021 SC 274** wherein, the Hon'ble Apex Court has held as under:-

“171. As regards request for "change" of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. Such a request could be made in two different situations. The first is on the basis of public documents like Birth Certificate, Aadhaar Card/ Election Card, etc. and to incorporate change in the CBSE certificate consistent therewith.

The second possibility is when the request for change is due to the acquired name by choice at a later point of time. That change need not be backed by public documents pertaining to the candidate.

- (a) *Reverting to the first category, as noted earlier, there is a legal presumption in relation to the public documents as envisaged in the 1872 Act. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the request for recording change in the certificate issued by it. This, however, need not be unconditional, but subject to certain reasonable conditions to be fulfilled by the applicant as may be prescribed by the CBSE, such as, of furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing Public Notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/ return of the original certificate (or duplicate original certificate, as the case may be) by the applicant. The fresh certificate may contain disclaimer and caption/ annotation against the original entry (except in respect of change of name effected in exercise of right to be forgotten) indicating the date on which change has been recorded and the basis thereof. In other words, the fresh certificate may retain original particulars while recording the change along with caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).*
- (b) *However, in the latter situation where the change is to be effected on the basis of new acquired name without any supporting school record or public document, that request may be entertained upon insisting for prior permission/ declaration by a Court of law in that regard and publication in the Official Gazette including surrender/ return of original certificate (or duplicate original certificate, as the case may be) issued by CBSE and upon payment of prescribed fees. The fresh certificate as in other situations referred to above, retain the original entry (except in respect of change of name effected in exercise of right to be forgotten) and to insert caption/annotation indicating the date on which it has been recorded and other details including disclaimer of CBSE. This is so because the CBSE is not required to adjudicate nor has the mechanism to verify the correctness of the claim of the applicant.”*

“172. In light of the above, in exercise of our plenary jurisdiction, we direct the CBSE to process the applications for correction or change, as the case may be, in the certificate issued by it in the

respective cases under consideration. Even other pending applications and future applications for such request be processed on the same lines and in particular the conclusion and directions recorded hitherto in paragraphs 170 and 171, as may be applicable, until amendment of relevant Byelaws. Additionally, the CBSE shall take immediate steps to amend its relevant Byelaws so as to incorporate the stated mechanism for recording correction or change, as the case may be, in the certificates already issued or to be issued by it.”

“173. Accordingly, we dispose of the cases before us with directions to the CBSE as noted in paragraphs 170 and 172 above. No order as to costs.”

The learned senior counsel appearing for the petitioner submitted that in view of the decision rendered by the Hon'ble Apex Court in the aforesaid case of ***Jigya Yadav (supra)***, the present writ petition can be disposed of by directing the respondents No. 2 and 3 to carry out the change of name of the petitioner as requested by the petitioner and as reported by the authorities of the school where the petitioner had studied in its letter dated 24-01-2024 addressed to the Secretary, Board of Secondary Education, Manipur, in terms of the directions given by the Hon'ble Apex Court and the Bye-Laws of the Board of Secondary Education, Manipur and the Council of Higher Secondary Education, Manipur within a stipulated period.

Mr. I. Denning, learned counsel and Mr. L. Raju, learned counsel appearing for the respondents No. 2 and 3 fairly submitted that the request for change of name of the petitioner as recorded in her educational certificates and in the records maintained by the Board of Secondary Education, Manipur as well as the Council of Higher Secondary Education, Manipur will be considered and appropriate action will be taken in terms of the aforesaid directions given by the Hon'ble Apex Court and the Board of Secondary Education, Manipur and the Council of Higher Secondary Education, Manipur's relevant Bye-Laws.

In view of the submission made by the counsel appearing for the parties, the present writ petition is hereby disposed of by directing the respondents No. 2 and 3 to change the name of the petitioner as requested by the present petitioner and as reported by the authorities of the school where the petitioner had studied in its aforesaid letter dated 24-01-2024 addressed to the Secretary, Board of Secondary Education, Manipur, in terms of the directions given by the Hon'ble Apex Court in the case of ***Jigya Yadav (supra)*** as well as the Bye-Laws of the Board of Secondary Education, Manipur and the Council of Higher Secondary Education, Manipur.

The whole exercise should be completed within a period of two months from the date of receipt of a certified copy of this order.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda