

Serial No.29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 198 of 2023

Date of Decision :05.04.2024

Smti. Aiusha Nongspung,
D/o Nelson Kharkongor,
R/o Hill View House,
Madan Rynjah, Lapalang,
Shillong, East Khasi Hills,
Meghalaya.

....Petitioner

-Vs-

1. The State of Meghalaya through the
Chief Secretary to the
Government of Meghalaya, Shillong.
2. The Deputy Commissioner,
East Khasi Hills District,
Shillong.
3. The Additional Deputy Commissioner,
Political Branch,
East Khasi Hills District, Shillong.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. W,G.R.Mihsill, Adv.
Mr. Philemon Nongbri, Adv.

For the Respondent(s) : Mr.H.Abraham, GA.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioner who is the adoptive mother of one Master Franky Nongspung, who was born on 06-05-2008, is before this Court for directions to issue to the respondents for reconsideration of the representation dated 09-06-2023, for change/modification of the name of the child from Franky Nongspung to Franky Miller Nongspung in the Scheduled Tribe Certificate.

2. Mr. W.G.R.Mihsill, learned counsel for the petitioner, submits that the petitioner has been compelled to approach this Court in view of the fact that, though the child already possesses an existing Scheduled Tribe Certificate, when the representation was made for change and modification of the name, the respondent No. 3 by letter dated 19-06-2023, had sought further requirements which are contained in the said letter, such as the Birth Certificate of the applicant with correct parent's name, NOC from clan, Khasi Tribe Certificate from KHADC and so on. It has been submitted by learned counsel for the petitioner that the said requirements

asked by the respondent No. 3 does not apply to the child, inasmuch as, a Scheduled Tribe Certificate dated 22-10-2014, had already been issued to Franky Nongspung and his being a member of the schedule tribe is not in question or disputed in any manner. He therefore, prays that the respondents be directed to address the representation, and issue the required Scheduled Tribe Certificate.

3. Mr. H.Abraham, learned GA appearing for the respondents, has submitted that notwithstanding other requirements which may not be deemed necessary, a correct Birth Certificate showing the name under which the Scheduled Tribe Certificate is to be issued should be produced before the competent authority. He further submits that if the same is complied with, the respondents will process and dispose of the representation of the petitioner within a period of one month.

4. At this juncture, Mr. W.G.R.Mihsill learned counsel for the petitioner has drawn the attention of this Court to the rejoinder affidavit filed on 28-02-2024, wherein at Annexure-2, a Birth Certificate issued on 19-02-2024, shows that the name of the child has been shown as Franky Miller Nongspung. As such, he submits that there should be no impediment for the respondents to grant the Certificate in the correct name.

5. I have heard learned counsel for the parties. In view of the short matter in issue, and as everything seems to be in order and the

requirements as given in the letter dated 19-06-2023 seeming to be misplaced, it is directed that the respondents shall dispose of the representation of the writ petitioner within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is closed and disposed of.

Judge

Meghalaya
05.04.2024
"Samantha PS"