

GAHC010112492019



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

Case No. : WP(C)/3398/2019

UNE PERTIN
D/O- SRI GUNI PERTIN, R/O- VILL BOLUNG, P.O AND P.S- ROING, LOWER
DIBANG VALLEY, DIST- ARUNACHAL PRADESH

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION AND 3 ORS
REGIONAL OFFICE, SHILPO GRAM ROAD, (NEAR SANKAR DEV
KALAKSHETRA), PANJABARI, GUWAHATI- 781037

2:THE REGIONAL OFFICER
THE CBSE
REGIONAL OFFICE
SHILPO GRAM ROAD (NEAR SANKAR DEV KALAKSHETRA)
PANJABARI
GUWAHATI- 781037

3:THE ASSISTANT SECRETARY (EXAMINATION)
THE CBSE
REGIONAL OFFICE
SHILPO GRAM ROAD (NEAR SANKAR DEV KALAKSHETRA)
PANJABARI
GUWAHATI- 781037

4:PRINCIPAL
VIVEKANANDA KENDRA VIDYALAYA
TAFROGAM
P.O- TEZU
DIST- LOHIT
ARUNACHAL PRADESH
PIN- 79200

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : MS R B BORA

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

JUDGMENT & ORDER (ORAL)

Date : 09.02.2024

None appears for the petitioner.

Ms. R. Borah, learned standing counsel, CBSE appears for the respondents no. 1, 2 & 3. None appears for the respondent no. 4.

2. The petitioner by way of instituting the present proceedings has raised a grievance with regard to the rejection of the prayer for change of her name in her All India Secondary School Examination (for short AISSE), 2001 and All India Senior Secondary School Certificate Examination (for short AISSCE), 2003 conducted by the Central Board of Secondary Education (CBSE) from "Ms Manisha Pertin" to "Ms Une Pertin".

3. The petitioner, at the time of her birth was named as "Manisha Pertin" and accordingly, in her school records also her name came to be recorded as "Manisha Pertin". The petitioner appeared for AISSE, for the year 2001 and for AISSCE in the year 2003 and in the educational certificates pertaining to the said examinations her name is recorded as "Manisha Pertin". The petitioner, thereafter, on selection was appointed as a Arunachal Pradesh Civil Service (Entry Grade) 2016 Batch Officer and was posted as Circle Officer, Tezu in the District Lohit, Arunachal Pradesh.

At this stage, the petitioner desired to change her name from "Manisha Pertin" to "Une Pertin" and accordingly, sworn an affidavit on 27.09.2016 before the Judicial Magistrate First Class, Lohit, District Tezu, Arunachal Pradesh.

4. The petitioner prayed before the authorities of the Government of Arunachal Pradesh for effecting the change in her name in her service records as "Une Pertin". On consideration of the matter vide an order 10.11.2016, the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar was pleased to convey that the Governor of Arunachal Pradesh had allowed the petitioner herein to change her name to "Une Pertin" from "Manisha Pertin" and that henceforth, she shall be known as "Une Pertin" for all official purposes.. The said order dated 14.10.2016, was thereafter published in the Arunachal Pradesh Gazette, in its issue dated 30.11.2016. The petitioner thereafter, approached the school authorities from where she had appeared in the said examinations in the year 2001 and 2003 and submitted an application for change of her name as indicated herein above. The said application came to be placed before the authorities of the CBSE, Regional Office at Gauhati. The authorities of the CBSE, Regional Office at Gauhati vide a communication dated 21.07.2018, rejected the case of the petitioner holding that there was no direction from any Court of law for effecting such change and further the application was made beyond the time prescribed for the purpose under the bylaws holding the field. Accordingly, the petitioner has instituted the present proceedings praying for issuance of necessary directions to the CBSE authorities for change of her name in her educational certificates and recording it as "Une Pertin".

5. It is seen that similar issue had arisen before the Hon'ble Supreme Court in the case of *Jigyada Yadav v. Central Board of Secondary Education*, reported in (2021) 7 SCC 535 and the Hon'ble Supreme Court had concluded that such corrections were permissible and could be made after verifying the other contemporaneous public documents, wherein, such change is indicated.

6. In the case on hand, the Government of Arunachal Pradesh, Itanagar, on consideration of the matter vide order dated 14.10.2016 permitted the petitioner to change her name as "Une Pertin" in her service records and it was also declared that she shall be known for all her official purposes as "Une Pertin" with effect from the date of issuance of the said order, which order was also published in the Arunachal Pradesh Gazette in its issue dated 30.11.2016.

7. The matter as it stands now is that the petitioner in her service records is known by the name "Une Pertin" while her educational certificates record her name as "Manisha Pertin" and accordingly, a dispute may arise as to the identity of the petitioner. The Gazette notification as existing in the case of the petitioner, which reflects that the Govt. of Arunachal Pradesh had permitted such change of name of the petitioner is a public document and enjoys a legal presumption of its correctness and the same ought to have been reckoned by the authorities of the CBSE in terms of the Hon'ble Supreme Court's decision in the case of *Jigyada Yadav (supra)* and proceeded to effect change in the name of the petitioner in her educational certificates.

8. Ms. R. Borah, learned standing counsel appearing for the CBSE, fairly

submits that the Hon'ble Supreme Court in the case of *Jigyada Yadav (supra)* had settled the matter as arising in the present proceedings and the said judgment would be applicable to the facts involved herein.

9. In view of the conclusions reached above, the impugned communication dated 21.07.2018, stands interfered with and the instant writ petition is disposed of by directing the CBSE authorities to act on the representation as preferred by the petitioner and pass consequential order thereon strictly in terms of the observations and directions as passed by the Hon'ble Supreme Court in the case of *Jigyada Yadav (supra)*.

10. The consequential order(s) be passed and corrections be effected as prayed for by the petitioner with regard to the change of her name from "Manisha Pertin" to "Una Pertin" in the records/certificates of her All India Secondary School Examination (AISSE), 2001 and in All India Senior Secondary Certificates Examination (AISSCE), 2003, within a period of 2(two) months from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant