

GAHC010154492024



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

Case No. : WP(C)/3892/2024

PRAGYA PRIYA SAIKIA
D/O- SHRI KUMAR BHARAT SAIKIA,
VILLAGE- MALOW ALI MONAIMAZI,
P.O.- DHEKORGIRAH,
P.S.- JORHAT, DIST.- JORHAT, ASSAM,
PIN- 785015.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE BOARD OF SECONDARY EDUCATION (SEBA)
REPRESENTED BY ITS SECRETARY

BAMUNIMAIDAM
ASSAM
GHY-21.

3:THE CONTROLLER OF EXAMINATION
BOARD OF SECONDARY EDUCATION (SEBA)
BAMUNIMAIDAM
ASSAM
GHY-21.

4:THE DEPUTY CONTROLLER OF EXAMINATIONS
BOARD OF SECONDARY EDUCATION (SEBA)
BAMUNIMAIDAM

ASSAM
GHY-21.

5:THE ASSAM HIGHER SECONDARY EDUCATION COUNCIL (AHSEC)
REPRESENTED BY ITS SECRETARY
BHUBAN BHUYAN PATH
RAILWAY COLONY
BAMUNIMAIDAM
ASSAM
GHY-21.

6:THE INSPECTOR OF SCHOOLS
JORHAT DISTRICT CIRCLE (JDC)
ATILAGAON
DIST.- JORHAT
ASSAM
PIN- 785001.

7:SRIMANTA SANKARDEV ACADEMY
REPRESENTED BY ITS PRINCIPAL
TARAJAN GAYAN GAON
P.O.- TARAJAN
DIST.- JORHAT
ASSAM
PIN- 785001.

8:DEVICHARAN BARUA GIRLS (DCB) COLLEGE
JORHAT
REPRESENTED BY ITS PRINCIPAL
KAKOTIGAON
TARAJAN
BHATEMORA GAON
DIST.- JORHAT
ASSAM
PIN- 785001.

9:DIBRUGARH UNIVERSITY
REPRESENTED BY ITS REGISTRAR
DIBRUGARH
ASSAM
DIST.- DIBRUGARH
ASSAM
PIN- 785004

Advocate for the Petitioner : MR. P K DEKA, MS. N M LONGKENG,MR. R. KARIM,MR. P
DAIMARY,MR. I H LASKAR

Advocate for the Respondent : SC, SEC. EDU., SC, DIB. UNIVERSITY,SC, SEBA

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 05.09.2024

- 1.** Heard Mr. P.K. Deka, learned counsel for the petitioner.
- 2.** Also heard Mr. B. Kaushik, learned Standing counsel, Secondary Education Department, for respondent Nos. 1 & 6; Mr. T.C. Chutia, learned Standing counsel, SEBA, for respondent Nos. 2 to 5 and Ms. Wabangla, Learned counsel appearing on behalf of Mr. R. Mazumder, learned Standing counsel, Dibrugarh University, for respondent No. 9.
- 3.** The brief fact of the case is that while the petitioner was studying in Class-I, the petitioner was adopted by one Kumar Bharat Saikia by an Adoption Deed No. 915 dated 26.05.2010 and her name was changed from "Pragya Priya Dutta" to "Pragya Priya Saikia" and her father's name was also changed from Arun Dutta (biological father) to Kumar Bharat Saikia (adoptive father). The name of the petitioner's mother Nizora Dutta @ Dipti Dutta (biological mother) was also changed to Renuka Saikia (adoptive mother). Thereafter, the same was intimated to the Principal of her institution, namely, Srimanta Sankerdev Academy, Tarajan Gayan Gaon, Jorhat after her adoption with a prayer for correction of the petitioner's Title and other details in the said school's records by a Letter dated 31.08.2010. Accordingly, the petitioner was issued School Identity Cards from time to time till she reached her Class-X, wherein, the names of her adoptive parents were rightly recorded. However, when the petitioner was issued her HSLC Admit Card, the Board of Secondary Education, Assam recorded the name of the petitioner's father as Arun Chandra Dutta and

the name of the petitioner's mother as Nizora Dutta instead of names of her adoptive parents. Accordingly, the petitioner made a representation before the Secretary of SEBA, Guwahati/Respondent No. 2 on 29.08.2022 with a prayer for correction of her Title as well as names of her adoptive parents in the said HSLC Admit Card. The petitioner also made an online application before the Board of Secondary Education, Assam on 11.08.2023 for correction in her Registration Card, Admit Card, Marksheet, Pass Certificates with regard to her Title as well as correction of the names of her adopted parents. However, by a Communication dated 26.06.2024 written by the Deputy Controller of Examinations, Board of Secondary Education, Assam, the petitioner was informed that her application for correction of her parents' names could not be considered inasmuch as it is not allowed by the provisions of the Board.

4. The Further case of the petitioner is that the Title of the petitioner as well as the names of her adopted parents has been rightly recorded in all the public documents, i.e., Aadhar Card, PAN CARD and Voter Identity Card etc. As the case of the petitioner was rejected by the Communication dated 26.06.2024, the petitioner is before this Court by way of the present writ petition.

5. The respondent Nos. 2, 3 & 4 have filed counter affidavit. However, Mr. T.C. Chutia, learned Standing counsel, SEBA as well as AHSEC, in his usual fairness submits that the petitioner may be directed to make a fresh representation before the concerned authorities and if the petitioner makes such representation, the same would be considered by the authorities.

6. Accordingly, this writ petition is disposed of directing the petitioner to make a fresh representation before the Secretary, Board of Secondary Education, Assam/Respondent No. 2 through the Inspector of Schools, Jorhat District Circle (JDC)/Respondent No. 6 within a period of 1 (one) week from today. Thereafter,

on receipt of the representation to be made by the petitioner, the Respondent No. 6 shall forthwith forward the representation to the Respondent No. 2 along with corrected educational records of the petitioner from the Srimanta Sankerdev Academy, Tarajan Gayan Gaon, Jorhat. On receipt of such representation by the Respondent No. 2, the representation of the petitioner shall be considered and disposed of by a speaking order and in accordance with law within a period of 1 (one) month from the date of receipt of the representation after comparing all the educational records of the petitioner.

7. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant