

Court No. - 4

Case :- WRIT - A No. - 4182 of 2022

Petitioner :- Ravindra Pratap

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Ram Sagar Yadav

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard Mr. Ram Sagar Yadav, learned counsel for the petitioner and learned Additional Chief Standing Counsel appearing for the State.

2. Petitioner, who is working on the post of Constable (GD) bearing No. 192711962 at P.R.B. No. 112 of U.P. Police, is aggrieved by the order passed by Deputy Inspector General of Police Establishment, Police Headquarter, U.P. Lucknow, whereby his application for change of his name in the official record from Chhot Kann to Ravindra Pratap has been rejected.

3. Briefly stated facts of the case are that petitioner was named by his parents as 'Chhot Kann' and accordingly, when he entered in high school, his name got registered as 'Choot Kann' and thus he obtained high school and intermediate certificate with this name as 'Chhot Kann' son of Narayan (father) and Kaushalya Devi (mother). Later on, he came to be selected in U.P. police as Constable, however, soon after entering into police force, he saw people making fun out of his name as Chhot Kann and thus started teasing him quite often. This satirization of his name amongst colleges and friends became matter of embarrassment and

depression for him and accordingly, he decided to change his name as per Government Order issued in this behalf bearing G.O. No. 3497/III 500 (5)-46 dated November 6, 1946. He got changed his name from 'Chott Kann' to 'Ravindra Pratap' son of Narayan as Constable in U.P. police and got it published in a widely circulated news daily 'Rashtriya Sahara' dated 17.06.2020 and also got this information published in the gazette of India bearing Gazette No. (35) New Delhi August, 29-September 4, 2020 (Bhadra 7, 1942) Part-IV page 984. Thus, having got published the information in the news paper as well as the official gazette, petitioner applied before the authority concerned to allow change of his name in the official records from 'Chott Kann' to 'Ravindra Pratap', however, when nothing happened in the matter of his application moved before the authority concerned, petitioner filed a writ petition before this Court bearing Writ-A No. 3409 of 2021, which was disposed of on 3rd August, 2021 with a direction to the competent authority to accord consideration to petitioner's claim for change of his name in service records. Upon such direction being issued by the Court in writ petition filed by petitioner, Deputy Inspector General of Police, Police Establishment, Government of U.P. Lucknow finally passed an order on 15th December, 2021 rejecting request of petitioner for change of his name in official records from 'Chott Kann' to 'Ravindra Pratap' on the ground that petitioner had been appointed by State Government in the name of 'Chott Kann' and now after his appointment his name cannot be changed in official records. The authority passed this order after considering relevant paragraphs of the Government Order dated 6th November, 1946 as the same stood reproduced in the order itself.

4. Submission advanced by learned counsel for the petitioner is

that once the Government Order provides for change of name, if desired by a person in the official records both in case of male and in case of female after she gets married, such permission can always be accorded. He has placed relevant paragraph nos. 1 & 2 of the Government Order dated November 6, 1946 that are still in force. Learned counsel for the petitioner has also submitted that petitioner's case is not the first case as even previously various government servants have been permitted to change their names and notifications have been issued to this effect after an employee applied for change of name in accordance with the procedure prescribed. Such an order was passed by the Government of Rajasthan on 19th July, 2018 permitting one Gangaram Meena to change his name as Saurabh Meena. The order of the District Basic Education Officer (Administration), Jalore dated 19.01.2019 permitting change of name of one Sri Vangaram as Virendra Khansla. Learned counsel for the petitioner has also placed The Karnataka Government Servants (Procedure for Change of Names) Rules, 1967 that also permits change of name. Counsel for the petitioner has argued that when the Government Order provides for change of name and the government has no loss to suffer for this, nor any undue advantage petitioner is going to gain by changing the name, authority had no reason to reject his application for change of name. Counsel for the petitioner has also placed reliance upon the order of a Co-ordinate Bench of this Court at Lucknow, passed in Writ-A No. 5344 of 2022 where the Court directed the authority concerned to pass necessary order with regard to change of name of that petitioner on 25.08.2022. As a consequence to the order passed on 25.08.2022, the Superintendent of Public Works Department Bahraich Shrawasti Circle, Bahraich permitted change of name of Raj Kapoor Verma

as Anil Kumar Verma.

5. Learned Standing Counsel appearing for the State has sought to defend the order impugned for the reasons assigned therein.

6. Having heard the submissions of learned counsel for the respective parties and having perused the record, I find that the Government order which is applicable in the State of Uttar Pradesh provides for a specific procedure to be followed for change of name by a government servant in the State of Uttar Pradesh and the only rider is that there should not be any fraud or deception on account of change of name sought by a government servant. Relevant paragraphs-1 and 2 of the Government Order are reproduced hereunder:-

"Applications by Government Servants for change of name-

1. In as much as the names of Government servants are entered in official records and in certain cases officers execute documents on behalf of Government, it has been decided that no Government servants under the administrative control of State Government will ordinarily be allowed to change his name. If, however, there are exceptional and adequate reasons Government can consider to make an exception provided due publicity is given and no room is left for any fraud or deception. Hence any applicant desiring to change his name will be required to give notice of such intention in the State newspapers and also in some newspapers published in the locality where he ordinarily resides. This is particularly necessary in the case of gazetted officers and Government will also cause notice of the proposed change to be published in the gazette.

(2) As a general practice, a change in name takes place on the marriage of a female and this also applies to female Government servants. The new name adopted by a female Government servant on marriage should be communicated to the appointing authority of the post held by her. The change will be carried out in the official records relating to her. In the case of a non-gazetted Government servant the appointing authority will issue orders and inform all concerned. In the case of a gazetted officer the appointing authority will issue a notification to be published in the Uttar Pradesh Gazette stating the change in name. A copy of the notification should be sent to the Accountant General, Uttar Pradesh also."

7. Petitioner's case is also not a solitary case but previously also in

view of the order passed by Co-ordinate Bench of this Court at Lucknow the P.W.D. department of the State had permitted change of name of an employee on account of procedure being followed. The relevant order passed by the Superintending Engineer in the matter of employee of P.W.D. has not been denied in the counter affidavit. In the entire counter affidavit there is no denial to the procedure followed by the petitioner. The only stand taken vide paragraph-8 in defence of the impugned order is that the State Government has decided that no government servant under the Administrative control of State Government will ordinarily be allowed to change his name. Relevant paragraph-8 is reproduce hereunder:-

"8. That the contents of paragraph nos. 8, 9, & 10 of the writ petition are based on record same may be verified from the records itself anything contrary to the record are false hence denied. In reply, it is submitted that petitioner is employee of the State Government and State Government and it has been decided " that no government servant under the administrative control of the State Government will ordinarily will allowed to change his name" there is each and every possibility of fraud and deception by the employee concern and as such cannot be allowed to change his name."

8. This above paragraph-8 has been sworn on the basis of record and yet no record has been filed to demonstrate that the State Government has taken any decision not to allow change in the name of a government employee, if he applies for. Petitioner has taken a plea before the authority and before this Court as well, that his name is meaningless and as such the people are teasing him and often make fun out of his name and at time he feels very embarrassed and has also developed a feeling of depression. Thus, it is not a case where the petitioner sought change of his name for any purpose of fraud or deception. The order impugned only carries this much reasoning that petitioner ought to have changed his name prior to entering government service. This view taken by the authority is clearly untenable in the face of the fact that the

Government Order itself permits change of name of a Government employee. No other reason has been assigned in the order impugned hence the order dated 15.12.2021 passed by Deputy Inspector General of Police, Police Establishment Police Headquarter U.P. Lucknow, deserves to be set aside.

9. A Co-ordinate Bench of this Court in the case of ***Kabir Jaiswal vs. Union of India and others; AIR 2021 All 96***, has considered important of right of a person to get his name changed as per his wish. Relevant paragraphs-10, 11, 16 and 17 of the said judgment are reproduced hereunder:-

"10. The question with regard to the change of name was considered by the Kerala High Court the case of Kailash Gupta v. CBSE, 2020 SCC Online Ker 1590, wherein the Court recorded as under:-

"1. Four centuries ago, when William Shakespeare wrote the Classic "Romeo and Juliet", he felt that name did not matter much. In the present times, if one is asked the same question "What's in a name"?, the answer would be:

"Its everything".

1.1 In this writ petition, this Court is confronted with an instance where a young girl, who wished for a change of name, stumbled upon an obstacle in the form of CBSE who turned down her request for incorporating the change of name on a hyper technicality.

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8. Name is something very personal to an individual. Name is an expression of one's individuality, one's identity and one's uniqueness. Name is the manner in which an individual expresses himself to the world at large. It is the foundation on which he moves around in a civil society. In a democracy, free expression of one's name in the manner he prefers is a facet of individual right. In Our Country, to have a name and to express the same in the manner he wishes, is certainly a part of right to freedom of speech and expression under Article 19 (1) (a) as well as a part of the right to liberty under Article 21 of the Constitution of India. State or its instrumentalities cannot stand in the way of use of any name preferred by an individual or for any change of name into one of his choice except to the extent prescribed under Article 19(2) or by a law which is just, fair and reasonable. Subject to the limited grounds of control and regulation of fraudulent or criminal activities or other valid causes, a bonafide claim for change of name in the records maintained by the Authorities ought to be allowed without hesitation.

12. Power of interpretation available to this Court to correct errors committed by the draftsman is quite wide. When the language of a statute in its ordinary meaning and grammatical construction leads to a manifest contradiction of the apparent purpose of the enactment or to some inconvenience or absurdity, hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words and even the structure of the sentence. The above mentioned principle has been restated in the decisions in *Pentiah v. Mudalla Veeramallappa*, (AIR 1961 SC 1107), *Eera v. State (Govt. of NCT of Delhi)*, (2017) 15 SCC 133, and also by a Full Bench of this Court in *Viswambaran P.N. v. T.P. Sanu*, ((2018) 2 KLT 947)."

11. The aforesaid judgment clearly stated that to have a name and to express the same in the manner, a person wishes, is a part of the right of the freedom of speech and expression under Article 19(1)(a) as well as right to liberty under Article 21 of the Constitution of India. In the said judgment, the Kerala High Court was dealing with the scope of Rule 69.1(i) of the Rules of the CBSE and the Court permitted the change of name prior to the declaration of result by CBSE by holding the same to be a right flowing under Article 19(1) (a) and Article 21 of the Constitution of India.

16. The question of change of name was also considered by the High Court of Madras in the case of *Minor Raana Chariappa Kalianda Vs. CBSE and Anr*, vide judgment dated 2.8.2019 passed in W.P. No. 20171 of 2019, wherein the High Court observed as under:-

"4. The above reasoning of the 1st respondent/Central Board of Secondary Education, is not in consonance with the intention of the petitioner as well as the law. The birth name of the petitioner herein has been now changed and wide publicity has been given both in the Government Gazette as well as Local daily as required under the law. Pursuant to that, the name of the petitioner has been changed in the Aadhar Card and other records. Unless and until, the petitioner Educational certificate also carries the present name, there will be confusion in the identity of the person and it will be misleading. Once a person opts to change his name and carries out the necessary change by publication in the Government Gazette as required under law, the said change should be uniformly carried out in all the documents to retain the uniqueness of the identity. If the contention of the 1st respondent, accepted, that the name change will only have prospective effect and not retrospective effect, then a person will be having more than two names on record and the identify of the person will be misleading. Therefore, the reasoning given by the 1st respondent for refusing to carry out the correction in the mark sheet is untenable and against the spirit of law.

5. In the said circumstances, the Writ Petition is Allowed. The 1st respondent is hereby directed to re-consider the request of the petitioner herein and pass appropriate order, within a period of four weeks from today. No order as to costs."

17. In view of the judgments as recorded above, this Court finds that the Kerala High Court as well as the Delhi High Court have held that the

individual 'name' is a facet of right of expression, which is guaranteed under Article 19(1) (a) read with Article 21 of the Constitution of India. The freedom of expression as guaranteed under Article 19(1) (a) includes within its sweep all forms of expressions and name in the present world is clearly a strong expression. Thus, I agree with the judgments of the Kerala High Court as well as the Delhi High Court to hold that change of name is an expression guaranteed under Article 19(1) (a) of the Constitution of India"

10. Thus, the writ petition succeeds and is allowed. The order passed by Deputy Inspector General of Police Establishment Police Headquarter U.P. Lucknow dated 15.12.2021 filed as annexure-13 to the writ petition is hereby quashed.

11. The concerned competent respondent is directed to allow the application of the petitioner for change of his name by issuing necessary notification in terms of the Government Order 1946 as quoted above.

12. The appropriate order and accordingly notification for change of name the petitioner from Chott Kann to Ravindra Pratap, shall be issued within a period of 30 days from the date of production of certified copy of this order.

13. There will be no order as to cost.

Order Date :- 2.4.2025

Shiraz