

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 14542 of 2015 (P)

PETITIONER(S):

**G.R.ASMITA, AGED 21 YEARS
D/O.M.GANESH, RESIDING AT T.C.29/11/1146(3)
DEVI EAST NADA, PALKULANGARA, PETTAH P.O.
THIRUVANANTHAPURAM.**

BY ADV. SRI.RAJESH P. NAIR

RESPONDENT(S):

- 1. CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY THE CHAIRPERSON, 'SHIKSHA KENDRA 2
COMMUNITY CENTRE, PREETH VIHAR, DELHI - 110 092.**
- 2. THE REGIONAL OFFICER
CENTRAL BOARD OF SECONDARY EDUCATION
NEW NO.3 (OLD NO.1630-A) 'J' BLOCK 16TH MAIN ROAD
ANNA NAGAR (WEST), CHENNAI - 600 040.**
- 3. THE CONTROLLER OF EXAMINATIONS,
CENTRAL BOARD OF SECONDARY EDUCATION,
'J' BLOCK 16TH MAIN ROAD
ANNA NAGAR (WEST), CHENNAI - 600 040.**
- 4. THE PRINCIPAL,
CHINMYA VIDYALAYA, ATTUKAL, MANACAUD,
THIRUVANANTHAPURAM - 695 004.**
- 5. THE PRINCIPAL,
SARASWATHI VIDYALAYA, ARAPPURA, VATTIYOORKAVU
THIRUVANANTHAPURAM - 695 004.**

**R4 BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
R4 BY ADV. SRI.JELSON J.EDAMPADAM
R1 TO R3 BY ADV. SRI.DEVAN RAMACHANDRAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RELEVANT PAGE OF GAZETTE NOTIFICATION DATED 5/11/2008.
- P2: TRUE COPY OF THE CLASSIFIED ADVERTISEMENT IN 'THE HINDU' DAILY DATED 5/7/2014.
- P3: TRUE COPY OF THE ALL INDIA SENIOR SCHOOL CERTIFICATE AS WELL AS THE MIGRATION CERTIFICATE ISSUED BY THE 1ST RESPONDENT.
- P4: TRUE COPY OF THE TRANSFER AND CONDUCT CERTIFICATES ISSUED BY THE 5TH RESPONDENT.
- P5: TRUE COPY OF THE 'ADHAR' CARD ISSUED BY THE GOVDERNMENT OF INDIA.
- P6: TRUE COPY OF THE ELECTORAL IDENTITY CARD ISSUED BY THE ELECTION COMMISSION OF INDIA.
- P7: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE SUB-REGISTRAR, ODDANCHATRAN.
- P8: TRUE COPY OF THE RATION CARD ISSUED BY THE CITY RATIONING OFFICER.
- P9: TRUE COPY OF THE SECONDARY SCHOOL EXAMINATION CERTIFICATE OF THE PETITIONER.
- P10: TRUE COPY OF THE COMMUNICATION DATED 6/4/2013 BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.14542 of 2015

Dated this the 16th day of July, 2015.

JUDGMENT

The petitioner seeks for change of name in the Mark list of the Secondary School Examination of 2008. The petitioner's name up to 2008 was 'G. Gnana Soundhari'. The petitioner's father in the year 2008 itself, changed the name of the petitioner to 'G.R. Asmita'. The same was notified in the Gazette of 15.11.2008 as also published in a Newspaper, more specifically 'The Hindu' dated 05.07.2014. The petitioner appeared subsequently in all the examinations by the name of 'G.R. Asmita'. The Certificates at Ext.P3 of the Higher Secondary Examinations, issued by the C.B.S.E. itself shows that the petitioner's name was shown as 'G.R. Asmita'. The petitioner hence sought for change of name in her Secondary School Examination Certificate of the year 2008. The application was

declined by Ext.P10. Ext.P10 does not disclose any reason. The School, wherein the petitioner had undergone the Secondary School course as also the Higher Secondary Course also confirms that the very same petitioner was known earlier as 'G. Gnana Soundhari' and then as 'G.R. Asmita'. The School records also indicate so. In such circumstances, there is no reason why the petitioner's name in Ext.P9 cannot be corrected.

2. The learned counsel appearing for the C.B.S.E. would in fact point to the new regulations of 25.06.2015, which restricts such applications to be within one year. The change of name as per the new regulations has also to be made before the publication of the result of the candidate.

3. However, admittedly the very same candidate had appeared for the Secondary Examination as 'G. Gnana Soundhari' and the Higher Secondary School Examination as 'G.R. Asmita'. In such circumstances, especially since there was no prohibition that the change of name should be before the publication of results; prior to the present notification, the petitioner's name shall be changed in the records with the C.B.S.E. and the

application shall be considered on the basis of the pre-amended bye-law within a period of two months from the date of receipt of a copy of this judgment. Ext.P10 will stand set aside.

The petitioner shall produce all the documents referred to in the writ petition before the C.B.S.E.

The writ petition is disposed of with the above observations.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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