

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.26344 of 2012

Dated 29.07.2015

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Between:

Mohammed Abdullah Quadri

... Petitioner

and

—

The Central Board of Secondary Education

CNSE Regional Office, Annanagar West,

Chennai and 4 others.

...Respondents

Counsel for the petitioner: Mr.Mohd.Abdul Samad

Counsel for respondent No.1: Mrs.A.Chaya Devi

Counsel for respondent No.2: Mr.DL.Pandu, SC for TSBIE

**Counsel for respondent No.3: Mr.A.Prabhakar Rao,
SC for University**

Counsel for respondent No.4: Mr.VV.Anil Kumar

Counsel for respondent No.5: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents, in not considering the petitioner's representation, dated 10-04-2012, for changing his name in the educational certificates, as illegal and arbitrary.

The petitioner was a Hindu and his original name was Ramesh Singh Thakur, S/o.Pravesh Chandra. He has averred that he has embraced Islam on 26-09-2008 and that a Certificate to that effect was issued by the All India Majlis Tameer-e-Millat on the said date. It is his further case that the change of his name was recorded *vide* Proceeding No.G/5499/2010, dated 22.06.2010, before the Executive Magistrate-cum-Tahsildar, Sangareddy, and that the same was published in the A.P.Gazette on 19-07-2010.

The grievance of the petitioner is that though he has made representations on 10-04-2012 to all the respondents, none of them has considered the same and affected the change of his name in the relevant records.

Smt.A.Chayadevi, learned Standing Counsel for respondent No.1- Central Board of Secondary Education (CBSE), has, on instructions, submitted that originally, Byelaw No.69.1 of the Examination Byelaws of respondent No.1 prohibited change in the name/surname of the candidate once recorded in the records except to the extent of correction of spelling errors; that later, in pursuance of a decision taken in the Examination Committee meeting held on 21-06-2011, the said Rule was amended by permitting change in the name of the candidate /father/mother/guardian entered in the Board's records within a period of 10 years from the date of issue of any document

by the Board; and that this Rule was further amended in pursuance of the recommendations of the Examination Committee in its meeting held on 31-03-2015 to the effect that the applications regarding changes in the name or surname of the candidates will be considered provided the changes have been admitted by the Court of law and notified in the Gazette before the publication of the result of the candidate. The learned Standing Counsel has placed before the Court, copies of the original as well as the amended Rules of the Examination Byelaws.

Admittedly, the petitioner has passed CBSE examination more than 10 years back and therefore, the amended Rule, which was in force when he made application, did not allow him to change his name.

Mr.DL.Pandu, learned Standing Counsel for respondent No.2- Board of Intermediate Education, submitted that as per the Rules framed by respondent No.2, it has no objection for change of name, provided, the name is changed in the Certificate issued by the CBSE.

The above reasoning will hold good for changing the name of the petitioner in the records of respondent No.5- Medical College and that of respondent No.4- Andhra Pradesh Medical Council.

Having regard to the fact that the petitioner failed to satisfy Byelaw No.69.1 of the Examination Byelaws as it stood when he made his application for changing his name, no Mandamus can be issued to the respondents in this regard. However, if the petitioner feels aggrieved by the Byelaw prohibiting change of his name after 10 years of issue of Certificate by respondent No.1, he shall be free to avail appropriate remedy for challenging the Byelaws.

Subject to the liberty given to the petitioner as above, the Writ

Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.33568 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th July, 2015

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