

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.2.2016.

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.No.24160 of 2015

and

M.P.No.1 of 2015

Sachin Pradeep Kumarr

Petitioner

vs.

- 1 The Principal
New Era High School
Satara (D.T) Panchgani
Maharashtra 412 805
- 2 The Controller of Examinations
Central Board of Secondary Education
Delhi
- 3 The Regional Officer
Central Board of Secondary Education
Southern Region
New No.3 Old No.1630/A J Block
16th Main Road Anna Nagar West
Chennai 600 040

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to the order of the 3rd respondent in proceedings RO(M)/CORRN/REJECTION/2015/7255 dated 9.5.2015 and quash the same and consequently direct the 3rd respondent to effect the change of name of the petitioner as Sachin Pradeep Kumarr instead of Sachin and also his mother name as Reenamole Joseph instead of Reena in the records of the respondent.

For Petitioner : Mr.V.Chandrasekaran

For R1 : Mr.Rohan Cherian

For RR2 and 3 : Mr.G.Nagarajan

ORDER

The writ petition has been filed seeking issuance of writ of certiorarified mandamus calling for the records pertaining to the order of the 3rd respondent in proceedings RO(M)/CORRN/REJECTION/2015/7255 dated 9.5.2015 and quash the same and consequently direct the 3rd respondent to effect the change of name of the petitioner as Sachin Pradeep Kumarr instead of Sachin and also his mother's name as Reenamole Joseph instead of Reena in the records of the respondent.

2. Heard the learned counsel appearing for either side.

3. The case of the petitioner is that originally his name was Dennis Thomas and he decided to change it as Sachin Pradeep Kumarr and he had taken every steps in accordance with law for the change of his name by making due due publication in the news papers and Gazette Notification dated 11.8.2009. He had also applied to the third respondent for such change. According to the petitioner, such a change of name was also given effect by the School viz., New Era High School at Maharashtra, but, during the Board Examination held in the year 2013, the said school had wrongly mentioned his name as Sachin instead of Sachin Pradeep Kumarr and his mother's name as Reena instead of Reenamole Joseph. On realising the same, the petitioner had approached the first respondent-School for effecting the name change and in turn, the first respondent had forwarded the certificates to the third respondent to incorporate the correct names of the petitioner and his mother in the records and since, the third respondent has passed the impugned order rejecting the request for change of name, the present writ petition has been filed.

4. A counter affidavit has been filed on behalf of respondents 2 and 3 contending that only the names and furnished by the School viz., the first respondent had been mentioned in the Marks Certificate and as per Byelaw 69.1(i), application regarding changes in names or surnames of candidates may be considered, provided the changes have been admitted by the court of law and notified in the Government Gazette before the publication of the result of the candidate and as per Byelaw 69.1(ii), correction in name to the extent of correcting in spelling errors, factual typographical errors in the candidate's name/surname, father's name/mother's name or guardian's name to make it consistent with what is given in the school record or list of candidates (LOC) submitted by the school may be made, and hence, consequently, the request of the petitioner for change of his name and his mother's name in the 10th Mark sheet issued by the CBSE Board cannot be entertained and sought for dismissal of the writ petition.

5. When the matter was taken up for consideration, learned counsel for the first respondent submitted that the third respondent is also willing to render any assistance to the petitioner with regard to change of his name.

6. Therefore, considering the facts and circumstances of the case, this court, while setting aside the impugned order, directs the third respondent to consider the application of the petitioner afresh and pass appropriate order by conducting enquiry by affording opportunity of personal hearing to the petitioner as well as his mother, within a period of four weeks from the date of receipt of copy of this order. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1 The Principal
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Maharashtra 412 805
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Delhi
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Chennai 600 040

+1cc to Mr.V. Chandrasekaran, Advocate, S.R.No.10698
+1cc to Mr.G. Nagarajan, Advocate, S.R.No.10407
+1cc to V. Chandrasekaran, S.R.No.10387

CA(CO)
EU(04/02/2016)

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