

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.11142 of 2016
Decided on :12.12.2016**

Lamaira Rajput @ Pooja

... Petitioner

Versus

Central Board of Secondary Education and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. ADS Jattana, Advocate for
Mr. Sumit Dua, Advocate for the petitioner.

Ms. Rosi, Advocate for
Mr. Nitin Kant Setia, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks direction for change of name from Pooja to Lamaira Rajput in her certificates issued by the respondent-Board dated 28.05.2010-Mark-sheet of 10th Class, 28.05.2012-Mark-sheet of 12th Class Annexures P-1 and P-2, respectively.

It is the case of the petitioner that her earlier name is a common name and, therefore, she sought the change. She had given public notice in two newspapers on 27.02.2016 (Annexures P-4 and P-5) and also notified the declaration in the Gazette of India on 01.03.2016 (Annexure P-6). Thereafter, she had also applied for change her name in the Government documents like Aadhar Card, Voter Card and Passport, which had been allowed. Resultantly, she had filed an representation dated 10.05.2016 (Annexure P-8) alongwith the necessary documents making the request for change of her name and the respondents have not replied on the said.

In the response filed by the respondents, reliance has been

placed upon Rule 69.1. The said rule reads as under:-

*“Applications regarding changes in the name or surname 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.”*

From the above facts, it is, thus, apparent that the petitioner had only got changed her name notified subsequently after 01.03.2016, which is after 4 years of passing of 10th class and 2 years after passing of 12th class. In such circumstances, once the regulations itself do not permit the change of name after the declaration of the result, no further directions can be issued by the Court. It is settled principle that a writ of mandamus can only be issued, where there is any legal right or entitlement involved. The rule itself is not under challenge and the argument that the amended rule which came into force w.e.f 31.03.2015, could not be retrospective in nature, is liable to be rejected since the application was filed after the said amendment came into force. Thus, on the date of filing of application i.e. 10.05.2016 the same had to be processed as per the amended rules.

Accordingly, there is no merit in the present writ petition and same is, accordingly, dismissed.

DECEMBER 12, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No