

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP-11604-2016

Decided on : 26.09.2016

Aditya Gupta

... Petitioner

Versus

Central Board of Secondary Education and others

.. Respondents

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

Present : Mr.Jatinder Kuamr, Advocate for
Mr.APS Shergill, Advocate
for the petitioner.
Mr.Nitin Kant Setia, Advocate for respondents No.1 and 2.
Mr.Bhisham Kumar Majoka, Advocate for
Mr.Vikas Bali, Advocate Standing Counsel
for respondents No.3 and 4.

G.S.Sandhawalia, J. (Oral)

The petitioner seeks quashing of the order dated 25.08.2015 (Annexure P/9) whereby respondent-board has declined to change the name of the petitioner from Murari Gupta to Aditya Gupta in the certificates/mark sheets dated 28.05.2004 and 23.05.2006 (Annexures P/2 and P/3). The reason given by the respondent-board in the impugned order is that change is not allowed after the declaration of the result. The case of the petitioner is that he got published the aforesaid change of name in the Chandigarh Administration Gazette on 01.10.2013 (Annexure P/4) and he has represented his claim before the respondent-board, but the same was rejected.

Reliance has been placed upon the various documents to show that Murari Gupta and Aditya Gupta are one and the same person.

The issues which arise are disputed questions of fact. It is a matter of

record that the petitioner has been known as Murari Gupta since 2004 as per matriculation certificate. The change is sought for the first time after a long span of time of 09 years.

In such circumstances, this Court is of the opinion that an alternative remedy in the shape of Civil Suit is very much available before the competent Court for claiming the relief as claimed in the present case, and the writ jurisdiction of the court as such cannot be invoked.

In view of the settled principle of law, once there is an alternative remedy available in the shape of a Civil Suit before the competent Court for claiming the relief, the writ court cannot decide the disputed questions especially since it not explained properly on what basis the change of name took place.

Accordingly, the present petition is disposed of with liberty to the petitioner to avail his alternative remedy before the Civil Court.

[G.S.Sandhawalia]
Judge

26.09.2016
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No