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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6996/2016

IMRAN ALI KHAN

..... Petitioner

Through: Mr. Rais Farooqui and Mr. Rahber
Alizaidi, Advs.

versus

THE CENTRAL BOARD OF SECONDARY EDUCATION
& ANR

..... Respondents

Through: Mr. Ashok Kumar, Adv. for R1.
Mr. Pradeep Mahajan, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.12.2016

1. The present petition has been filed by the petitioner challenging the letter dated 27th May, 2016, which is a communication to the Principal of the respondent no.2 / School whereby the request of the petitioner for change of name of his wife, who is a mother of Filza Khan, a student of the respondent no.2 / School, from Kiran Khan to Fakiha Khan has been disallowed on the ground that the same could have been considered before the declaration / publication of the concerned examination result of the candidate by the Board.

2. Learned counsel for the petitioner would argue that the original name of the mother of the child who studied in respondent no.2 / School, i.e., the wife of the petitioner, is Fakiha Khan and same name features on every

document like birth certificate of the child namely Filza Khan and Aadhar Card issued by the Government of India. He would concede to the fact that the request for change of name was made for the first time in the month of April, 2016 to the respondent no.2 / School, which in turn wrote to respondent no.1/CBSE. As the request was not considered, the petitioner had to file a Writ Petition (Civil) no. 4809/2016 which was disposed of on May 24, 2016 with a direction to the respondent no.1 / CBSE to decide the application within four weeks. Pursuant to the directions, the impugned communication has been sent to the respondent no.2/School, which informed the petitioner on 8th July, 2016.

3. It is the submission of the learned counsel for the petitioner that the reliance placed by the respondents on the amended bye-laws would not be applicable inasmuch as the results of Class-X of the petitioner's daughter having been declared in 2015, the application shall be regulated by the pre-amended bye-laws.

4. On the other hand, Mr. Ashok Kumar, learned counsel appearing for respondent no. 1 / CBSE would state that all throughout the name of mother was being represented as Kiran Khan. He would draw my attention to the Admission Form at Page 28 of the paper book. He would also state that the Admission Form has been signed by the father. According to him, CBSE record the entries based on the information supplied by the School. He would also submit that it is a case of change of name which is impermissible under the bye-laws. Mr. Pradeep Mahajan, Adv. appearing for the respondent no. 2 / School would make similar submissions as made by Mr. Ashok Kumar, Adv. He would also draw my attention to Annexure at

running pages 83 and 84 to submit that the name of his wife has been depicted by the petitioner as Kiran Khan. According to him, even Kiran Khn has represented herself by that name and she has signed as Kiran Khan.

5. Having heard the learned counsel for the parties, suffice to state that the petitioner and his wife represented his wife's name / her own name as Kiran Khan. She has signed Annexure at running page 84 as Kiran Khan. The source of information for the CBSE being the information given by the parents themselves, i.e., the petitioner and his wife, respondent no.1 is justified in contending that if the details on the certificate are based on the information supplied to them, the same cannot be corrected. That apart bye-law 69.1(ii) contemplates that only corrections can be effected in the name of the candidate / father's / mother's / guardians name within one year from the date of declaration of the result provided that the application of the candidate is forwarded by the Head of the Institution. It is not a case of correction in the name of the wife of the petitioner, but the change of name, which is impermissible under the bye-laws. I note the vires of the said bye-law has not been challenged. I also note that the name of the wife of the petitioner as Kiran Khan has been existence in the School records at least from 31st March, 2005. More than 11 years have passed thereafter. It is quite late on the part of the petitioner to seek change of his wife's name which in any case is impermissible under the bye-laws. I note for benefit the following observations made by the Division Bench of this Court of ***Ms. Jigyā Yadav (Minor) v. Central Board of Secondary Education and Ors., W.P.(C) 3774/2010*** wherein in Para 18, the Division Bench has held as under:

“Moreover, in our opinion, even if the Regulations permitted change of names of parents, this is not a case where the change of name should be allowed as the parents have repeatedly filled up the forms themselves and they alone are liable for the error / mistake, if any.”

6. I do not see any merit in the petition. Same is dismissed.

V. KAMESWAR RAO, J

DECEMBER 15, 2016/jg