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

% *Judgment reserved on : 25.08.2017*

Judgment delivered on : 04.09.2017

+ W.P.(C) 6035/2016

SANJOLY SINGHAL

..... Petitioner

Versus

Ms Namita Roy and Mr Gautam,
Advs

CENTRAL BOARD OF SECONDARY

EDUCATION & ORS

..... Respondents

Through: Mr Atul Kumar, Adv for R-1.

Ms Nishtha, Adv for R-2.

Mr Puneet Saini, Adv for R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J.

1 The petitioner before this Court is Sanjoly Singhal. She was born on 25.01.1997 to her parents namely Sanjay Singhal and Renu Singhal at Taluka-Deesa, District Banaskantha, Gujrat. She was admitted to her school by the name of Sanjoly Agrawal. She continued with the name of Sanjoly Agrawal till her 12th class. She passed her 10th class in the year 2012. She successfully qualified in her 12th class examination in the year 2014. She took admission in the B.A. (Hons) course in Indraprastha College for Women, Delhi University under the same surname Sanjoly Agrawal. Agrawal was the name by which her community was known. The gotra of the petitioner is Singhal and Agrawal is her community name. The petitioner

strongly felt that her surname should be changed from Sanjoly Agrawal to Sanjoly Singhal. She made legal inquiries; she was advised to get her name Sanjoly Agrawal published in the Gazette of India. This was in the year 2015. She also released an advertisement on 27.02.2015 widely circulated in newspapers i.e. Indian Express and Jansatta about this change of name. It was also published in the Gazette of India on 02.01.2016 on an application filed by her.

2 The petitioner approached respondent No.2 (Indraprastha College for Women) for her change of name in the college records; she was asked to approach respondent No.1 (CBSE) to get the change of name affiliated in all the records as well as mark-sheet and certificates issued by respondent No.1. On 08.02.2016, she was informed by respondent No.2 that her name could not be changed. She was accordingly constrained to file the present writ petition.

3 Counter affidavit has been filed by respondent No.1. They have strongly objected to the change of name. It is submitted that this is not a correction of spelling but it is a change of name; under the Examination Byelaws 69.1 & 69.2, this amounts to change of name. The correction of a spelling error is permitted but this not being a case of spelling error, the

name of the petitioner cannot be changed. Even otherwise, there is a timeline of one year during which this change can be effected. Learned counsel for respondent No.1 has placed reliance upon a judgment of the Division Bench in LPA No.41/2017 Aditya Srivastava (Minor) through natural guardian mother Vs. Central Board of Secondary Education & Anr. wherein Bye-law 69.1 of the Examination Byelaws, 1995 of the CBSE (25.06.2015) had been examined; the Division Bench had noted that since the change of appellant's name had been carried out after the declaration of the result, his request for change of name in the school records could not be acceded to. Learned counsel for respondent No.1 has heavily relied upon this judgment to substantiate a submission that the prayers made in the present petition cannot be acceded to.

4 Per contra, learned counsel for the petitioner points out that this is not a change in the name of the petitioner; her name continues to be the same; her name being Sanjoly; what she is only seeking to alter is her community name i.e. from Agrawal to Singhal (which is her gotra); she does not wish to continue with her community name. Additional submission being that all legal procedures, advertisement in the newspaper as also publication in the Gazette of India have already been effected; this is not a case where the

identity of the petitioner is in dispute. To support this submission, learned counsel for the petitioner has placed reliance upon a judgment of the Division Bench of this Court in W.P. (C) No.2563/2017 Kumari Ananya Chowdhary Vs. Central Board of Secondary Education, Delhi & Others; in that case where the Gazette Notification had taken place, the petitioner had notified in the newspaper about the correction of her name; the prayer for correction in her name was permitted; that was a correction in the spelling in the surname of the petitioner as also in her mother's name.

5 This Court is not in agreement with this submission of the learned counsel for the petitioner. What the petitioner is really seeking in the present petition is not a mere correction in name to the extent of correction in spelling errors under Bye-law 69.1 (ii) but instead a change in name (from Sanjoly Agrawal to Sanjoly Singhal) as envisaged under Bye-law 69.1 (i). The relevant Bye-law as amended vide Notification dated 25.06.2015 is reproduced hereunder as:

“69.1 (i)

Applications regarding changes in name or surname of candidates may be considered, provided that 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”

6 It provides that a request for change in the name can be considered

only where the change has been admitted by the Court of law and notified in the government gazette before the declaration of the result of the candidate. It is an admitted position that the petitioner had enrolled in school and had continued with her schooling under the name of Sanjoly Agrawal. She appeared for her class 10th and class 12th Board Examinations in the years 2012 and 2014, respectively also under the same name (i.e. Sanjoly Agrawal). It is only in the year 2015 that the petitioner felt strongly that her name be changed to Sanjoly Singhal; thereupon she got published an advertisement in two leading newspapers as noted supra to the same effect and on 02.01.2016 got the change in name notified in the Gazette. It is pertinent here to note that her marksheet cum certificate for class 10th was issued on 24.05.2012. Since the change in name of the petitioner has been notified in the gazette almost four years after the declaration of the result, her request for change in name in the school records and certificates has rightly been rejected in terms of the amended bye-law 69.1(i).

7 Applying the ratio laid down in Aditya Srivastava (supra) this Court is of the view that the contentions of the petitioner are untenable and liable to be rejected. Petition is without any merits. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 04, 2017/A