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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) 6087/2016

RONAK 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

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J.

1 The petitioner before this Court is Ronak Singhal. He was born on 27.09.1995 to his parents namely Sanjay Singhal and Renu Singhal at Barmer, Rajasthan. He was admitted to his school by the name of Ronak Agrawal. He continued with the name of Ronak Agrawal till his 12th class. He passed his 10th class in the year 2011. He successfully qualified in his 12th class examination in the year 2013. He took admission in B.Tech (Civil) Course in SRM University, NCR Campus, Modi Nagar, Ghaziabad, UP under the same surname Ronak Agrawal. Agrawal was the name by which his community was known. The gotra of the petitioner is Singhal and Agrawal is his community name. The petitioner strongly felt that his surname should be changed from Ronak Agrawal to Ronak Singhal. He

made legal inquiries; he was advised to get his name Ronak Agrawal published in the Gazette of India. This was in the year 2015. He 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 him.

2 The petitioner approached respondent No.2 (SRM University) for his change of name in the college records; he 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, he was informed by respondent No.2 that his name could not be changed. He 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; his name continues to be the same; his name being Ronak; what he is only seeking to alter is his community name i.e. from Agrawal to Singhal (which is his gotra); he does not wish to continue with his 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 Ronak Agrawal to Ronak 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.

7 It is an admitted position that the petitioner had enrolled in school and

had continued with his schooling under the name of Ronak Agrawal. He appeared for his class 10th and class 12th Board Examinations in the years 2011 and 2013, respectively also under the same name (i.e. Ronak Agrawal). It is only in the year 2015 that the petitioner felt strongly that his name be changed to Ronak Singhal; thereupon he 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 his marksheet cum certificate for class 10th was issued on 31.05.2011. Since the change in name of the petitioner has been notified in the gazette almost five years after the declaration of the result, his 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).

8 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

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