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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3464/2017 & C.M. No.15173/2017

SHILPI MISHRA

..... Petitioner

Through Mr. Vipin Kumar Sharma, Adv.

versus

THE REGIONAL OFFICER, CENTRAL BOARD OF
SECONDARY EDUCATION & ORS

..... Respondents

Through Mr. Atul Kumar, Adv for CBSE.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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14.11.2017

The petitioner is the mother Nidhi Mishra. She is seeking change in her name in the CBSE/school records. Submission is that her name which had initially been recorded as Nitu Mishra be changed to Shilpi Mishra.

Counter affidavit has been filed by the respondent. The respondent disputes these submissions. Submission is that under Examination Bye-law 69.1, the change of name is not permissible if the result of the 10th class has already been declared which is so in the instant case. Learned counsel for the respondent places reliance upon a judgment delivered by this Court in LPA No.41/2017 Aditya Srivastava (minor) through Natural Guardian Mother Vs. Central Board of Secondary Education & Anr.

Record shows that the daughter of the petitioner had appeared for 10th examination. Her result was declared sometime in May,

2016. Her mother had filed the application seeking change in her name in the records of the respondent in March, 2017. This application was admittedly after the declaration of the result. Submission of the petitioner is that a Notification to the said effect has already been published in the Gazette of India on 31.08.2016. She would still have her right to get her name changed in the records of the respondent.

This Court is not in agreement with this submission of the learned counsel for the petitioner. The amended Examination Bye-law 69.1 (notified on 25.06.2015) clearly provides that an application regarding a change of name or surname of the candidate may be considered only before the publication of the result of the candidate. Admittedly, in this case, the result of the minor daughter of the petitioner had been declared in May, 2016; the present application had been filed thereafter i.e. in March, 2017. The case of the petitioner has also not laid a challenge to the vires of the amended Rules. This issue has in fact been taken care of in LPA No.41/2017 Aditya Srivastava where also a similar issue raised before the Division Bench had been rejected.

There is no merit in this petition. Dismissed.

INDERMEET KAUR, J

NOVEMBER 14, 2017

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