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

+ W.P.(C) 10344/2016

MEHAK JAIN THR ITS FATHER ARVIND JAIN..... Petitioner

Through: Mr. Govind Rishi, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION
& ANR

..... Respondents

Through: Mr. Atul Kumar, Adv. for R1.

Mr. Virag Kumar Aggarwal, Adv. for
R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2017

CM No.19423/2017

This is an application filed by the petitioner seeking early hearing of the writ petition.

Noting the contents of the application and the learned counsel for the respondents have no objection, the application is allowed, the hearing of the petition is expedited. The application is disposed of.

W.P.(C) 10344/2016

Counsel for the parties have been heard on the writ petition. It is the case of the petitioner that the petitioner had changed her name from "*Mehak Singhal*" to "*Mehak Jain*".

It is averred in the petition that in 2014, petitioner made a request to respondent no.2 School for entering the name of the petitioner "*Mehak*

Jain” in place of “*Mehak Singhal*” for the purpose of examination of Class-X. It is averred that when the certificate was received from the CBSE, she was surprised to note her name continues to be as “*Mehak Singhal*”. The father of the petitioner made a written request to the respondent no.2 / School for correction / change in surname in the grade sheet cum certificate for performance. The said letter was forwarded by respondent no.2 School to the CBSE, respondent no.1 on 19th August, 2015. The CBSE in response has replied to the said letter on 8th October, 2015 stating that change in candidate’s / Father’s / Mother’s / Guardian’s Surname will be granted provided the changes have been admitted by the Court of Law and notified in Government Gazette before the publication of the result of the candidates. Learned counsel for the petitioner reiterates the aforesaid submissions.

On the other hand, learned counsel for the respondent / CBSE would state in view of the Examination Bye-law 69.1(i) as amended on 25th June, 2015, as the request has not been made before the declaration of the Class-X result, the change cannot be effected.

On the other hand, learned counsel appearing for respondent no.2 has drawn my attention to the reply filed by the said respondent to contend that in 2014, petitioner had submitted a request for change of name from “*Mehak Singhal*” to “*Mehak Jain*”. On an enquiry from the learned counsel for the respondent no.1, whether the same was forwarded by the respondent no.2 School to the respondent no.1 CBSE vide letter dated 19th August, 2015, the answer was in the affirmative.

Noting the aforesaid submissions made by the learned counsel for the parties, it is clear, the petitioner had made a request in the year 2014, the same was forwarded to the CBSE only on 19th August, 2015. Under the

Bye-laws what is relevant is the date of request made to the CBSE which is admittedly the date after 25th June, 2015, when the amended Bye-laws were notified. The amended Bye-laws being very clear that the request for change of name needs to be made before the declaration of result and the vires of the said Bye-law has not been challenged in this petition, I am afraid, relief as prayed for by the petitioner cannot be granted as the same would amount to amending/modifying the Bye-laws as issued by the CBSE which is impermissible in law.

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

The next date fixed in this petition being 17th August, 2017 stands cancelled.

V. KAMESWAR RAO, J

MAY 22, 2017/jg