

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1996 of 2018

Ku. Kajal, D/o Jag Jeevan Lal, aged about 12 years, through her legal guardian father Jag Jeevan Lal, S/o Devkaran, aged about 40 years, R/o Village and Post Pendraavan, Tahsil Dhamdha, District Durg (C.G.)
 ---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, School Education Department, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, Durg, District Durg (C.G.)
3. District Education Officer, District Durg (C.G.)

---- Respondents

For Petitioner: Mr. Praveen K. Dhurandhar, Advocate.
 For Respondents/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/07/2018

1. Heard.
2. This Court by order dated 12-10-2017 directed the District Education Officer, Durg to consider the case of the petitioner and decide the application and the petitioner was also granted liberty to file fresh application.
3. Learned counsel for the petitioner submits that the impugned order was passed without affording opportunity of hearing to the petitioner and without permitting her to file documents and the order has been passed relying upon the circular dated 2-9-1974, as such, the order impugned is unsustainable. Therefore, the order impugned be set aside and the petitioner be permitted to file documents.
4. Learned State counsel opposed the submission.

5. It is true that the order rejecting the petitioner's application declining the change of her father's name has been passed without affording opportunity of hearing to the petitioner which involves civil consequence. Therefore, the order impugned is set aside and the case is remitted back to the District Education Officer, Durg to give opportunity to the petitioner to produce documents and thereafter, pass a reasoned order afresh within ten weeks from the date of receipt of a copy of this order.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma