

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 05.09.2018****CWP No.4298 of 2017**

Nikunj Saluja

...Petitioner

Vs.

Central Board of Secondary Education & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mrs. Beena Saluja and Mr. Satish Saluja –
parents of the petitioner.Mr. Kannan Malik, Advocate,
for respondent No.1.**RAJIV NARAIN RAINA, J. (ORAL)**

1. The petitioner has approached this Court for a direction to the Central Board of Secondary Education (CBSE) to add his parents' surname i.e. 'Saluja' to his name, and to the names of his father and mother.

2. The petitioner applied to the CBSE requesting that his name, his father's name and his mother's name should be changed to 'Nikunj Saluja'; 'Satish Saluja' and 'Beena Saluja' respectively and the CBSE should give him fresh certificates in respect of Secondary School Examination (10th) and Senior School Examination (10+2). His request has not met with any success in the CBSE and he continues to be aggrieved.

3. The parents of the petitioner have appeared in person today and inform the Court that the petitioner has been selected for a job and can be deputed to work in United States of America. Some Embassies (Embassy of USA etc.) insist on surname for issue of visa. It is also informed that

pursuant to the publication regarding change of name/s in two newspapers i.e. Jansatta (Hindi) and the Indian Express (English), their names have been changed vide Haryana Government Gazette notification dated 16.12.2014 (AGHN. 25, 1936 SAKA) Part – III for all purposes.

4. On the other hand, it is pointed out by Mr. Kannan Malik that the affidavits (pp.47, 48 & 49) submitted by the petitioner as well as his parents do not conform to the declaration required. He points out to para.5 of the affidavit submitted by the petitioner, wherein he deposed “*That if any time in future I change my name and commit a criminal activity under that name I will be responsible for it*”. These words are repeated in para.5 of the affidavits submitted by the parents of the petitioner. What the petitioner and his parents should have sworn was to the effect that “*That they have not incurred any civil or criminal liability by the previous names and further that the person with first name and the name after adding surname are the one and the same person*”.

5. Though fresh affidavits of the petitioner and his parents could be called to be placed on record of this file, but that will take time and expense and delay the matter needlessly. The fresh affidavits can always be submitted directly to the CBSE, so that the CBSE is rendered safe. Accordingly, this petition is allowed on the strength of the Gazette notification and subject to filing of fresh affidavits incorporating the two essential averments pointed out by Mr. Malik in paragraph 4 above.

6. The petitioner and his parents would be at liberty either to present their fresh affidavits in the office of the CBSE at Panchkula or send the same by way of registered post to the office of respondent No.2 i.e. Regional Office, Central Board of Secondary Education, 1-7, Sector-5,

Panchkula (Haryana). On receipt of fresh affidavits, the case regarding adding surnames will be processed expeditiously and fresh certificates be issued to the petitioner within seven days on return of the old original certificate.

7. The CBSE while issuing fresh/corrected educational certificates will record in the certificates that 'the surnames have been added as per the orders of the High Court in CWP No.4298 of 2017'.

05.09.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>