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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision : 09.04.2018.

+ W.P.(C) 1329/2018 & C.M. No.5533/2018
MAAHIR RAJEEV SHARMA (MINOR THROUGH HIS
FATHER) Petitioner
Through Mr.K.P. Toms, Adv. with
Mr.Anil Singh Bist, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION
AND ANR. Respondents
Through Mr.Atul Kumar, Adv. for R-1.
Mr.Thomas Skaria, Adv. for R-
2/ Indraprastha International
School.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
REKHA PALLI, J (ORAL)

1. Learned counsel for the respondents submit that since the petitioner has filed all the relevant documents, he does not wish to file a counter affidavit and would make submissions based on the pleadings already on record.
2. Vide the present petition, the petitioner, a student of class X in respondent no.2/School, seeks a direction to respondents, to change his name from "Maahir Sharma" to "Maahir Rajeev Sharma" in his Class X certificate to be issued to him by respondent no.1/CBSE, in which examination, he has already appeared in March, 2018.
3. Learned counsel for the petitioner submits that though initially the petitioner was known as "Maahir Sharma" and had taken admission in respondent no.2/Indraprastha International School, as

“Maahir Sharma” but subsequently due to customary and religious beliefs, petitioner wanted to change his name to “Maahir Rajeev Sharma”. The petitioner’s father, therefore, made the requisite Application seeking a change of the petitioner’s name from “Maahir Sharma” to “Maahir Rajeev Sharma”. He submits that in accordance with the Examination Bye-laws of respondent no.1, the petitioner’s father executed an affidavit dated 10th October, 2017 to this effect before the Special Metropolitan Magistrate and also got the said change in the name of the petitioner published in both Hindi and English newspapers dated 12th October, 2017 i.e. in Business Standard Hindi and Business Standard English. The said proposed change was also notified in the Gazette notification for the period 28th to 3rd November, 2017.

4. Learned counsel for the petitioner submits that after getting the requisite publications done which was duly supported by the requisite affidavit, the petitioner’s father approached the respondent no.2/School as also the respondent no.1/CBSE, requesting them to change the petitioner’s name in their records.

5. Mr.Toms submits that since despite his representations, no action was taken by respondent no.1/CBSE to carry out the said change, the petitioner had sent a legal notice dated 21st December, 2017 to respondent no.1 in response where to the respondent no.1 had informed the petitioner that as per Rule 69.1 (i) of the CBSE Examination Bye-laws, an application regarding changes in name or surname of a candidate could be considered, provided the changes had been admitted by the Court of law and notified in the

Government Gazette before the publication of the result of the candidate. In these circumstances, the present petition has been preferred by the petitioner.

6. Learned counsel for the petitioner submits that since the petitioner had taken all the requisite steps in accordance with the Examination Bye-laws of respondent no.1/CBSE, there is no reason as to why the respondents should now oppose the request of the petitioner seeking a change in his name in the records of respondent no.1.

7. Mr.Atul Kumar, learned counsel for respondent no.1/CBSE, does not dispute the fact that the aforesaid request on behalf of the petitioner was duly received by them through respondent no.2/School by letter dated 22nd December, 2017. He also does not dispute that the petitioner has taken all the requisite steps as per the CBSE examination bye-laws as also the fact that the request for change of name has been made by the petitioner before the publication of his class X result.

8. Learned counsel for respondent no.2 does not oppose the petition and submits that on receipt of the petitioner's representation, the School had immediately forwarded his request for change of name to respondent no.1. He contends that it is only respondent no.1 which has to now carry out the requisite changes.

9. I have heard learned counsel for the parties and also perused Rule 69.1 (i) of the Examination Bye-laws of the CBSE (as amended upto 25/6/15) dealing with the subject. The same reads as under:-

<i>Rule No.</i>	<i>Existing Rule</i>	<i>Amended Rule</i>
69.1 (i)	<i>Change in name of candidate/Father/Mother/Guardian once entered in the Board's record at any stage while studying in Class IX, X, XI, XII or thereafter, within a period of ten years from the date of issue of first such document shall be considered on written request of all Candidate (not minor)/father/mother/guardian duly forwarded by the Head of the Institution supported by the following documents :</i> <i>(a) Original copy of two newspapers (daily English/Hindi newspaper at National level & daily newspaper in a vernacular language circulated in the locality), in which the desired change has been published.</i> <i>(b) Original Affidavit duly sworn before the Judicial Magistrate, First class/Metropolitan Magistrate/ Executive Magistrate/Sub Divisional Magistrate.</i> <i>(c) Original copy of Publication in Government Gazette.</i> <i>(d) Payment of prescribed fee</i> <i>(e) True Copy of admission form filled in by the parents duly updated as per Gazette Notification of</i>	<i>Applications regarding changes in name or surname of candidates may be considered, provided 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.</i>

	<i>desired change and duly attested by the Head of the concerned institution.</i> <i>(f) True Copy of School Leaving Certificate of the previous school submitted by the parent/candidate at the time of admission and updated as per Gazette Notification of desired change, duly attested by the Head of institution.</i> <i>(g) True Copy of the page of admission and withdrawal register of the school where the entry has been made in respect of candidate showing updation as per Gazette Notification of desired change, duly attested by the Head of the concerned institution.</i>	
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10. It is an undisputed fact that the petitioner had not only submitted his request for change of name, prior to appearing in the Class X examinations and has also taken all the requisite steps prescribed in Rule 69.1(i) of the CBSE Examination Bye-laws by way of getting the said change published not only in two newspapers i.e. one in Hindi and one in English, but also in the Government Gazette. The petitioner's father has also submitted a duly sworn in affidavit before the Special Metropolitan Magistrate in support of his plea that the name of the petitioner had been changed from "Maahir Sharma" to "Maahir Rajeev Sharma". In view of the aforesaid admitted position, in my considered opinion, there is no reason as to

why the petitioner should not be permitted to change his name, in accordance with Para 69.1 (i) of the CBSE Examination Bye-laws.

11. The petition is allowed and the respondents are directed to incorporate the change in the name of the petitioner as sought by him. The respondent no.1/CBSE would treat the petitioner's name as "Maahir Rajeev Sharma" and make necessary changes in its record and as and when the result of Class X is declared, the respondents would issue the requisite class X mark-sheet and certificate to the petitioner, in the name of "Maahir Rajeev Sharma".

12. The petition and pending application are disposed of in the above terms with no orders as to costs.

(REKHA PALLI)
JUDGE

APRIL 09, 2018/aa