

#72

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 25.07.2018

W.P.(C) 7692/2018

AVNIJA AHLUWALIA

..... Petitioner

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION AND ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. K.P. Toms and Mr. Anil S. Bist, Advocates

For the Respondents : Mr. Atul Kumar, Advocate for R-1 & R-2

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.29480-29481/2018

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) 7692/2018 & CM APPL.29479/2018 (Directions)

1. The present writ petition under Article 226 of the Constitution of India, prays as follows:-

“In view of the above mentioned facts and circumstances, it is therefore, most respectfully prayed that this Hon’ble Court may be pleased to:-

- A. Issue writ of Mandamus or any other Writ/directions/orders to the respondents for issue of fresh Secondary School examination class Xth mark sheet (Roll No.5360565) and certificates (2017-2018) of the petitioner by changing petitioner’s mother’s name from SIMRAN AHLUWALIA to PRAKRITISHRI ALDAAN.
- B. Pass any other order which the Hon’ble Court may deem fit in the facts and circumstances of the case.”

2. The relief of permitting a change in the name of the petitioner’s mother in the Secondary School Examination Class Xth Mark Sheet (Roll No.5360565) and certificate (2017-2018), is predicated on the circumstance that, subsequent upon the divorce of the petitioner’s biological parents, the mother re-married one, Mr. Aldaan Rajan Sharma and is desirous that her name be corrected in the said Mark Sheet and Certificate issued by the CBSE to her daughter.

3. Learned counsel appearing on behalf of the petitioner would invite my attention to the notification bearing File No.CBSE/Coord/EC-31-03/2015 dated 25.06.2015, issued in this behalf by the CBSE and in particular Rule 69.1(i), which reads as follows:-

Rule No.	Existing Rule	Amended Rule
69.1(i)	Change 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 the Candidate (not minor) /father/ mother/ guardian duly forwarded by the Head of the institution supported by the following documents: - Original copy of two newspapers (daily English/ Hindi newspaper at National level & daily newspaper in a vernacular language circulated in the locality). - Original Affidavit duly sworn before the Judicial Magistrate, First Class/ Metropolitan Magistrate/ Executive Magistrate/ Sub Divisional Magistrate. - Original copy of Publication in Government Gazette. - Payment of prescribed fee. - True copy of admission form filled in by the parents duly updated as per Gazette Notification of desired change and duly attested by the Head of the concerned institution. - 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 the concerned institution.	<u>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.</u>

	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.	
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(Emphasis Supplied)

4. Issue notice.

5. Mr. Atul Kumar, learned counsel accepts notice on behalf of respondent Nos.1 and 2.

6. With the consent of counsel for the parties, the writ petition has been heard finally and is disposed of with the following order:-

7. A plain reading of the rule extracted hereinabove, leaves no manner of doubt that, applications requesting change in the name or surname of candidates can be granted, provided the same have been admitted by a Court of Law and notified in the Official Gazette, before publication of the result of the candidate.

8. In the present case, not only does the official record reflect the change in name of the petitioner's mother from "SIMRAN AHLUWALIA" to "PRAKRITISHRI ALDAAN", but the same has also been notified in the Official

Gazette pursuant to publication in the newspapers.

9. Further, the application seeking change in the name of the petitioner's mother was initiated on 13.11.2017, prior to the publication of the petitioner's result and consequent issuance of the subject Mark Sheet and Certificate.

10. In view of the foregoing, in my considered view, the present petition deserves to be allowed. The petition is accordingly allowed with a direction to the respondents No.1 and 2 to issue fresh Secondary School Examination Class Xth Mark Sheet and Certificate (2017-2018) to the petitioner after carrying out the necessary change in the name of the petitioner's mother from "SIMRAN AHLUWALIA" to "PRAKRITISHRI ALDAAN", forthwith.

11. Needless to state that, the petitioner shall surrender the Certificate and Mark Sheet issued to her, in this behalf, to the CBSE, prior to the latter complying with the directions issued by this Court.

12. With the above directions, the writ petition is disposed of. The pending application also stands disposed of.

SIDDHARTH MRIDUL
(JUDGE)

JULY 25, 2018
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