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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 26.07.2018

W.P.(C) 7755/2017

YASHIKA KAPOOR @ NEHA KAPOOR

.... Petitioner

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ANR

... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. B.L. Narnaulia, Advocate

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

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

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

“(a) direct the respondent No.1 to consider/change the name of the petitioner in all its academic records related to the petitioner specifically in her Xth and XIIth standard mark sheets and certificates immediately.

(b) declare the said amendment of 2015 dated 25.06.2015 in Rule 69.1(i) of the Examination Bye-

Laws as invalid and illegal being ultra vires and against the Principles of natural justice.”

2. It is an admitted position that, not only was the petitioner admitted to the respondent No.2 school as Neha Kapoor but also filled up a registration form in Class IXth for registration for the class Xth examination, conducted by the CBSE, in the same name.
3. The petitioner qualified her class Xth examinations in May, 2016 and was issued Grade Sheet cum Certificate of Performance in the name of Neha Kapoor. Subsequent thereto, it is stated that, her name came to be changed to Yashika Kapoor in December, 2016. Simultaneously, the petitioner applied to the CBSE to permit change in her name from Neha Kapoor to Yashika Kapoor, in all the relevant documents and academic records, maintained by the CBSE.
4. The request made on behalf of the petitioner was declined, predicated on the operation of the amended Rule 69.1(i) of the Examination bye-laws, which came into force on 25.06.2015. The same is reproduced hereinunder:

Rule No.	Existing Rule	Amended Rule
69.1(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	<u>Applications regarding changes in name or surname of candidates may be considered, provided the changes have been admitted by the Court of</u>

	of the candidate (not minor)/father/mother/guardian duty 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), in which the desired change has been published. - 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	<u>law and notified in the Government Gazette before the publication of the result of the candidates.</u>
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	institution. 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 the concerned institution. 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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नित्यमेव जयते (emphasis supplied)

5. Insofar as, prayer clause (b) of the petition is concerned, a Division Bench of this Court in W.P. (C) No.3774/2010, titled as '*Ms. Jigyda Yadav (Minor)(through Guardian/Father Mr. Hari Singh) vs. CBSE & Ors.*', has upheld the vires of the amended Rule 69.1(i) of the Examination bye-laws.

6. Coming to the prayer clause (a), it is an accepted position in law that, applications for change of name, filed after the amendment of Rule 69.1(i) of the Examination bye-law, vide notification dated 25.06.2015, cannot be entertained, after the publication of the result of the candidate.
7. In this view of the matter, the petitioner cannot be heard to say that, in view of the circumstance that she successfully qualified in class Xth examinations in May, 2016, prior to the amendment in Rule 69.1(i) of the Examination bye-laws, she is entitled to the benefit of the unamended bye-law, which permitted a candidate to seek a change in name, within a period of 10 years from the date of issue of the document.
8. The above legal position is no longer *res integra*, in terms of the decisions of this Court in W.P.(C) 5232/2015, titled as '*Kalpana Thakur and Anr. vs. CBSE*' and LPA 41/2017, titled as '*Aditya Srivastava (Minor) Thr. Natural Guardian Mother vs. CBSE & Anr.*'.
9. The present petition is dismissed and disposed of accordingly.

SIDDHARTH MRIDUL
(JUDGE)

JULY 26, 2018
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