



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.20171 of 2019

Minor Raana Cariappa Kalianda,
Represented by his father and natural guardian,
Kalianda Chengappa Poovaiah,
S/o.K.S.Chengappa,
residing at Flat No.1A, 1st Floor,
103/54, 4th Street Abhiramapuram,
Chennai - 18.

... Petitioner

/verus/

1. The Central Board of Secondary Education,
(Regional Office),
New No.3, Old No.1630-A,
J-Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

2. The Principal,
Chettinad Vidhyashram,
Chettinad House, R.A.Puram,
Chennai - 28.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records relating to the 1st respondent Letter in CBSE/RO(M)/CORRN/2018CN/ 180923, dated 10.05.2019 and quash the same as illegal and consequently direct the 1st respondent to correct the petitioner's name as RAANA CARIAPPA KALIANDA instead of KALIANDA VED CARIAPPA in the petitioner's 10th standard mark certificate and other school records within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.A.Gokulakrishana

For R1 : Mr.G.Nagarajan, Standing Counsel

For R2 : No appearance



O R D E R

Heard the Learned Counsel for the petitioner and the learned counsel for the 1st respondent.

2. The case of the petitioner is that he is the student of Chettinad Vidhyashram, Chennai and his birth name is Kalianda Ved Cariappa. Later the name was changed as Raana Cariappa Kalianda. The change of name was also notified in the Tamil Nadu Government Gazette published on 19.12.2018. Paper publication to that effect was also made by the petitioner on 23.12.2018. Subsequent to the change in the name, to make necessary change in the Educational certificates, the petitioner has requested the 1st respondent through the 2nd respondent to amend the as Raana Cariappa Kalianda in the 10th mark sheet and Transfer Certificate. The said request was rejected by the 1st respondent/Central Board of Secondary Education, stating that the correction sought in the certificate is not in consonance with the School records. Hence, the communication of the 1st respondent/Central Board of Secondary Education, rejecting the request for change in name is challenged in this Writ Petition.

3. The 1st respondent has filed counter, wherein, it is stated that the request of the petitioner for change of name in the certificate cannot be entertained since the Tamil Nadu Government Gazette Notification dated 19.12.2018 reads that the petitioner will be hereinafter called as Raana Cariappa Kalianda and therefore, till 19.12.2018, his name should be only Kalianda Ved Cariappa. The petitioner has completed the 10th standard prior to the change of name, the new name cannot be incorporated in the mark sheet and other educational documents. The contention of the 1st respondent in the counter is that, the change of name will only have prospective effect and it cannot be given retrospective effect.

4. The above reasoning of the 1st respondent/Central Board of Secondary Education, is not in consonance with the intention of the petitioner as well as the law. The birth name of the petitioner herein has been now changed and wide publicity has been given both in the Government Gazette as well as Local daily as required under the law. Pursuant to that, the name of the petitioner has been changed in the Aadhar Card and other records. Unless and until, the petitioner Educational certificate also carries the present name, there will be confusion in the identity of the person and it will be misleading. Once a person opts to change his name and carries out the necessary change by publication in the Government Gazette as required under law, the said change should be



uniformly carried out in all the documents to retain the uniqueness of the identity. If the contention of the 1st respondent, accepted, that the name change will only have prospective effect and not retrospective effect, then a person will be having more than two names on record and the identify of the person will be misleading. Therefore, the reasoning given by the 1st respondent for refusing to carry out the correction in the mark sheet is untenable and against the spirit of law.

5. In the said circumstances, the Writ Petition is Allowed. The 1st respondent is hereby directed to re-consider the request of the petitioner herein and pass appropriate order, within a period of four weeks from today. No order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To,

The Central Board of Secondary Education,
(Regional Office),
New No.3, Old No.1630-A,
J-Block, 16th Main Road,
Anna Nagar West,
Chennai - 600 040.

+lcc to Mr.A.Gokulakrishana, Advocate sr.66488
+lcc to Mr.G.Nagarajan, Advocate sr.66593

W.P.No.20171 of 2019

rr(co)
nr 05/08/2019