

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 18387 of 2019 (O&M)

Date of decision: 11.06.2020.

Deepti

... Petitioner.

Versus

Central Board of School (Sic. - Secondary) Education and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sameer Sachdeva, Advocate for the applicant/petitioner.

Mr. Naveen Chopra, Advocate for respondent No. 1 - CBSE.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

CM-4825-2020

For the reasons stated in the application for preponing the date of hearing, the same is allowed and the main case is taken on board today itself.

MAIN CASE

The petitioner has challenged the order dated 04.06.2019 (Annexure P-4) whereby her request for correction in her name has been declined. The case of the petitioner is that she had passed the matriculation examination in the year 2004 and she was duly issued a certificate in this regard. A copy of which has been appended as Annexure P-1. The name of the petitioner in the matriculation certificate was recorded as 'Deepti Goyal'.

Learned counsel for the petitioner contends that the parents of the petitioner were illiterate and her name was recorded as 'Deepti Goyal' in matriculation certificate whereas in other documents including passport,

Aadhaar card and PAN card, her name has been recorded as 'Deepti' and her surname has not been recorded after her first name. The petitioner is married and her husband is residing abroad and the recording of her surname in the matriculation certificate is proving to be a hindrance in her completing immigration papers to enable her to join her husband in Canada. He has relied upon the judgments of the Coordinate Benches of this Court in the cases of Mansi Mudgil vs. Central Board of Secondary Education, 2019 (1) S.C.T. 62 and Satish Kumar @ Shrey vs. Central Board of Secondary Education and another, CWP-21388 of 2018, decided on 10.01.2020.

On the contrary, learned counsel for the Central Board of Secondary Education ('CBSE' - for short) submits that a period of limitation has been prescribed under the CBSE regulations and any such application for change of name cannot be entertained after a period of 15 years of the declaration of the result. He has referred to the limitation prescribed in Rule 69.1 (ii) of the Examination Bye-laws of the CBSE and after the amendment in the year 2015, this period of limitation has been increased from 1 to 5 years from the date of declaration of the result. The petitioner had applied for correction in her name in the year 2019 which is 15 years after the passing of the examination. Learned counsel has referred to the judgments of the Delhi High Court in the cases of Aditya Srivastava (Minor) through Natural Guardian Mother vs. Central Board of Secondary Education and another in LPA No. 41 of 2017, decided on 23.01.2017, Bhagwat Dayal vs. CBSE and others in LPA No.783 of 2010, decided on 24.01.2011 and Mazhar Saleem Chandroth (Minor) through Saleem Chandroth (father natural guardian) vs. Central Board of Secondary Education in LPA 315 of 2017, decided on 16.04.2018.

Heard.

The petitioner had passed the matriculation examination conducted by respondent No. 1 - CBSE in the year 2004 wherein her name was recorded as 'Deepti Goyal'. It is not in dispute that her name, which has been recorded in all other documents including passport, Aadhaar card and PAN card, is 'Deepti'. The only impediment in the change in her name appears to be the Regulation 69.1, which prescribes period of limitation within which an application for change in name could be entertained.

Although learned counsel for the CBSE has referred to the judgments of the Delhi High Court, but I am of the considered view that the judgment of this Court in the case of Mansi Mudgil vs. Central Board of School Education (supra) is based on similar factual matrix and would be applicable to the instant case. In that case, the petitioner therein had sought change in her date of birth after over 13 years of passing the school examination. She passed examination in 2001 and had got married in 2013. Thereafter, her husband was posted abroad and while facing difficulty in completing travel documents she had applied for change in her school certificate. This Court, while allowing the writ petition, held that the period of limitation provided in Regulation 69 is only for the purpose of administrative convenience and cannot be termed as a limitation under the Limitation Act, 1961, to bar a remedy. In the case of Satish Kumar @ Shrey vs. Central Board of Secondary Education (supra), this Court had also directed the Board to correct the date of birth.

In the case at hand, the name of the petitioner in the Aadhaar card, Passport and PAN card, has been recorded as 'Deepti'. The petitioner had also taken out publication in newspapers for the change in her name from 'Deepti

Goyal' to 'Deepti'. It is not in dispute that the petitioner is daughter of Raghbir Chand and her other particulars are not in doubt.

The petitioner had passed matriculation examination in the year 2004 and at that time, she did not face any problem and, therefore, she did not apply for change in her name earlier. It was only when she had got married and sought to complete her immigration documents to join her husband, who is residing abroad, she encountered this difficulty. The change which she is seeking is only to the extent of deletion of her surname. To deny her claim would reflect insensitivity in addressing the hardship being faced by her and would defeat the ends of justice. This Court, while exercising writ jurisdiction, would adopt a humane and justice oriented approach.

Therefore, it would be in the interest of justice to address the grievance of the petitioner to change her name in the certificate.

Consequently, the petition is allowed. The impugned order dated 04.06.2019 (Annexure P-4) is set aside. Respondent No.1 is directed to reconsider the application of the petitioner for change of her name and make the necessary correction within a period of one month from the date of receipt of certified copy of this order.

Pending misc. application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

11.06.2020

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No