

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

CWP No. 17275 of 2020
Date of decision: 25.11.2020

213

Paramjeet Dahiya

....Petitioner(s)

Versus

Central Board of Secondary Education and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Kannan Malik, Advocate,
for respondents no. 1 and 2.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J.

The petitioner seeks directions under Articles 226 and 227 of the Constitution of India for change of his name by addition of the surname from Paramjeet to “Paramjeet Dahiya” in the record of CBSE. The change is sought to be incorporated in the mark sheets of Class 10th and 12th and other relevant documents including the migration certificates (Annexures P-1 to P-3).

The case of the petitioner is that he did his schooling upto the 12th standard from Northern International School, Mandi Adampur, Hisar, Haryana in the year 2014 and was given the migration certificate thereafter. The certificates have been appended as Annexures P-1 to P-3. The schooling which was done was from a school affiliated with the respondent-Board. He had gone abroad thereafter to pursue his studies and took admission in the M.D. Course, Faculty of Medicine, St. Martinus

University, Scherpenheuvel, Willemstad, Curacao, Netherlands Antilles in September, 2015. He faced difficulties in travelling having a single name which had been incorporated in his earlier passport which had been issued on 06.05.2014. Resultantly, he was advised to get his name changed and surname added to his name. Thus, on return to India, an affidavit was submitted dated 17.10.2018 that Paramjeet, s/o Jagdish Kumar was the same person as Paramjeet Dahiya (Annexure P-5). Publication had also been done in the local newspaper in the Times of India and the Hisar Kesari. The surname thereafter had been got added in all of the documents including the passport, PAN card, Adhaar Card, driving license which were appended as Annexures P-8 to P-11. The full name had also been incorporated in the university record and the professional degree issued which was appended as Annexure P-15. He wanted to appear in the foreign graduate exam to become eligible for which, the Medical Council of India issues eligibility certificate. He was informed that the certificate issued to him would not be in the name of Paramjeet Dahiya but only in the name of Paramjeet. It was, thus, averred that an identity crisis as such would be caused if the correction/addition is not made. Resultantly, reliance was placed upon Bylaw 69.1 of the Examination Bylaws, 1995 of the Board in support of the claim for change of name and, thus, the writ petition came to be filed.

The respondents-Board, in its reply, took a plea that the same could only be done prior to the publication of the result of the candidates. It was averred that since he had completed his matriculation and +2 in the year 2012 and 2014 and, therefore, there was neither any decree in his favour and, therefore, the change as such was inadmissible. It was further averred

that on the date the certificate was issued, his name was Paramjeet and, therefore, the same had been reflected. The changed name was not in existence and, therefore, the subsequent change could not be incorporated in the records as on the date of the issuance of certificates.

The said stand as such does not seem to be tenable in any manner as it would be also clear from the Bylaw 69.1 (i) which reads thus:-

69.1 (i)

(Change in Candidate Name, Mother Name & Father Name)

*Applications regarding changes in name of surname of candidates **will 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. **In cases of change in documents after the court orders caption will be mentioned on the document “CHANGE ALLOWED IN NAME/ FATHER'S NAME/ MOTHER'S NAME/ GUARDIAN'S NAME FROM _____ TO _____ ON (DATED) _____ AS PER COURT ORDER NO. _____ DATED _____.”***

The above would go on to show that change in the candidate's name and in case of the change in the documents after the Court orders, the caption can be mentioned in the documents as on to what basis the name has been changed which could be of the candidate/father's name/mother's name/guardian's name and the details as per the Court order. Thus, the argument which has been raised by counsel for the respondents-Board is without any basis. It is only in the first part that there is such clause that the same can be only done before the publication of the result of the candidate, which has to be admitted by the Court of Law and notified in the

Government gazette before the publication of the result. As per the second

part of the Bylaws, change can be also allowed in the documents on the basis of the Court order.

In the present case, as noticed, in view of the back ground which has been given, the father's name of the petitioner continues to be recorded as Jagdish Kumar and it is only the addition of the surname which has been asked for. The said entries have also been incorporated in various other government documents i.e. PAN card, Adhaar Card, driving license and the identity documents including the passport which has now been issued on 07.12.2018 (Annexure P-8). The petitioner has also got a degree of M.D. from the St. Martinus University in the year 2019, in which his name is shown as Paramjeet Dahiya (Annexure P-15).

Thus, in order to clear the ambiguity regarding his identity and full name, it would be appropriate if the respondents also make the necessary corrections in the certificates which have been issued by them. In view of the Bylaw 69.1, the necessary entries can be made incorporating the fact that the same has been done by orders of the Court.

In similar circumstances also, this Court in ***CWP No. 11005 of 2020, Nitin Kumar vs. CBSE and others***, decided on 24.09.2020, issued directions for necessary correction whereby, the surname of 'Singh' had been wrongly added. Accordingly, it was held that simple correction of mistakes made in the name of the students or the name of the parents of the students in such certificates cannot be denied and it would be futile to drive such a student to the long drawn and time consuming process of securing a decree from a competent Civil Court.

Counsel for the respondent could not deny the fact that in similar circumstances, surname of 'Adhikari' was also directed to be added

in case ***CWP No. 1709 of 2017, Kishore Sharma and another vs. CBSE and others decided on 25.09.2018 (Annexure P-20).***

Resultantly, the present petition is allowed. Directions are issued to the respondents to make necessary correction in the certificate issued by it by incorporating the surname 'Dahiya' within a period of two weeks from the date of the return of the old original certificate. The CBSE while issuing fresh/corrected certificates will record in the certificates that *'the correction in respect of adding of surname is as per orders of the Punjab & Haryana High Court in CWP No. 17275 of 2020 dated 25.11.2020.'*

25.11.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No