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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **WRIT PETITION (CIVIL) NO. 10841/2019**

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Date of decision: 06.02.2020

JYOTI

..... Petitioner

Through: Dr. N. Pradeep Sharma with Mr.
Naresh Kumar and Mr. Chirag
Sharma, Advs.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION

..... Respondent

Through: Mr. Atul Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL):

1. In brief, the grievance of the petitioner is that despite a request being made to the Central Board of Secondary Education (CBSE) to add the surname to her first name, the same has been declined by the CBSE on the ground that her Class X and Class XII certificates contained only her first name.
2. To be noted, the petitioner's first name, as is evident from the memo of parties, is Ms. Jyoti.
3. The petitioner seeks to append the surname Dalal to her first name. The documents placed on record would show that Ms. Jyoti is the daughter of Mr. Vedpal Dalal. The father of the petitioner is a Deputy Commandant in the Central Reserve Police Force. His photo-identify card, which is appended on page 46 of the paper book and is marked as Annexure P-6, bears out this position.

4. The CBSE has filed an affidavit, which, *inter alia*, adverts to the fact that in Class X certificate and Class XII certificate, only the petitioner's first name i.e. Jyoti is shown.

5. What is, however, not disputed by the CBSE is that in the application for admission filed with the concerned school i.e. Golden Valley Sr. Secondary Public School, Nazafgarh, New Delhi-110043, along with the first name of the petitioner, her father's name is shown as Vedpal Dalal.

5.1 This apart, even in the Admission & Withdrawal Register of the school, the father's name is shown as "Vedpal Dalal". This position also holds out if one were to peruse the provisional certificate issued by the aforementioned school qua Class XII as well as in the school leaving certificate.

5.2 Consistent with the aforesaid state of affairs, the Aadhaar Card issued in favour of the petitioner, bears her father's name as Vedpal Dalal.

6. Mr. Atul Kumar, who appears for the CBSE, says that any change in the name can only be carried out before the declaration of results. In sum, the contention of Mr. Kumar is that the prayer sought for by the petitioner is contrary to bye-law 69.1(i) of the Examination Bye-laws.

7. I have given some thought to the matter. According to me, all that the petitioner seeks, in substance, is full description of her name. No doubt, the petitioner has all along used only her first name (i.e. Jyoti), she, now, wishes to use the surname, Dalal, as well as a part of her name.

8. The documents placed on record, to which I have made a reference above, clearly show that Ms. Jyoti is the daughter of Mr. Vedpal Dalal. Thus, Dalal is her family name i.e. surname.

9. It appears that the petitioner while filling up the application form for

PLAB test, which is conducted by the General Medical Council, U.K, she is required to enter her surname. According to the petitioner, who is present in person, affirms this position that there is an entry therein, which requires a reference to the surname. The petitioner says that it is an online application form and if the surname as mentioned in her passport is not entered, her application will get rejected automatically without any recourse.

10. To my mind, there has to be a practical approach to the problem which the petitioner faces. Therefore, merely because the petitioner seeks a direction that allows her to append her family name/surname to her first name, it cannot be construed as violation of bye-law 69.1(i) of the Examination Bye-laws.

11. Before I conclude, let me also advert to three judgments cited by Mr. Atul Kumar to resist the relief sought by the Petitioner.

11.1 The first judgment cited by Mr. Kumar is the judgment of the Division Bench of this Court dated 23.1.2017, rendered in LPA No.41 of 2017, titled ***Aditya Srivastava (Minor) through Natural Guardian Mother vs. Central Board of Secondary Education & Anr.***

11.2 This was a case where the petitioner sought change in name from Randhir Srivastava to Aditya Srivastav. In my view, on facts, this judgment is completely distinguishable from the case at hand.

11.3. Insofar as the other judgment dated 26.7.2018, rendered in W.P.(C) No.7755/2017, titled ***Yashika Kapoor @ Neha Kapoor vs. Central Board of Secondary Education & Anr.*** is concerned, this was a case where the petitioner sought change in her name from Neha Kapoor to Yashika Kapoor. This judgment is also distinguishable on facts.

11.4 The third judgment, which is being cited by Mr. Kumar is the

judgment dated 23.9.2019, passed in W.P.(C) No.8270/2019, titled ***Sh. Tajinder Singh Sachdev vs. The Regional Officer Central Board of Secondary Education and Anr.*** The petitioner in this case sought inclusion of her community name 'Kaur' in his daughter's name, which otherwise was 'Mehtar Sachdev'. One of the reasons given by the Petitioner was that if such a direction is issued, the petitioner could be issued a minority certificate by the Delhi Sikh Gurdwara Management Committee. No such issue obtains in the instant case. Thus, this judgment cited by Mr. Kumar, is also distinguishable on facts.

12. Therefore, the prayer made in the petition is allowed.

13 The CBSE will issue duplicate certificates to the petitioner qua class X and Class XII. The certificates will indicate that the petitioner is allowed to append her surname to her first name pursuant to the order passed by this Court.

13.1 In order to facilitate this exercise, the petitioner will surrender her original certificates and mark-sheets concerning class X and XII.

13.2 Needless to add, this exercise will be completed by the CBSE as expeditiously as possible, though, not later than four weeks from the date of receipt of a copy of this order.

RAJIV SHAKDHER, J.

FEBRUARY 06, 2020/pmc