

Ct. 04.02
No. 26 2021
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W.P.A. 6146 of 2020
Rudra Narayan Misra
-Versus-
The West Bengal Board of Secondary Education & Ors.

Mr. Ram Anand Agarwal	
Ms. Nibedita Pal	
Mr. Ramesh Dhara	
Mr. Ananda Gopal Mukherjee	...For the Petitioner
Ms. Koeli Bhattacharyya	...For the Respondents Board

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the decision of the West Bengal Board of Secondary Education by not amending the petitioner's surname from 'Saha' to 'Misra' in the records of the West Bengal Board of Secondary Education and in the certificate of the petitioner.

Mr. Ram Anand Agarwal, learned Counsel appearing on behalf of the petitioner relies on a decision in the case of *Bamdev Roy Vs. State of West Bengal, reported in 2014 (4) CHN (CAL) 689* to buttress his argument that the circular of the Board allows such change of name to take place.

I have considered the said decision cited on behalf of the petitioner and the submissions made by Ms. Koeli Bhattacharyya, learned Counsel appearing on behalf of the Board. Upon consideration, I am of the view that a proper hearing is required to be granted to the petitioner and the reasons for change of the name of the petitioner are required to be considered by the proper authority.

In the light of the same, the authority concerned in the West Bengal Board of Secondary Education is directed to grant an opportunity of hearing to the petitioner, and thereafter, pass a reasoned order within a period of six weeks

from the date of communication of this order. Upon passing of the reasoned order, if the petitioner is entitled to change the name, the Board shall act expeditiously to amend the name of the petitioner in the records and the certificate issued in favour of the petitioner.

With the above observation, this writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(*Shekhar B. Saraf, J.*)