

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2567 OF 2021

Princess Anaryaa Milind Ramteke @
Greta Milind Ramteke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. D. Sonkawade, Advocate h/f Shri Chandrakant A.
Jadhav, Advocate for the Petitioner.
Shri A. R. Kale, A.G.P. for the Respondent No. 1.
Shri S. B. Deshpande, Advocate for the Respondent No. 2.
Ms. Surekha Mahajan, Advocate for the Respondent No. 3.
Shri Umakant Wagh, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 30TH NOVEMBER, 2021.

FINAL ORDER :

. The request of the petitioner for change of name is negatived by the respondent No. 2 under order dated 13.02.2020.

2. We have heard Mr. Sonkawade, the learned advocate for the petitioner, Mr. Deshpande, the learned advocate for the respondent No. 2, Ms. Mahajan, the learned advocate for the respondent No. 3.

3. The petitioner seeks correction/change in the name. The change is sought on the basis of acquired name i. e. the name different than appearing in the school record. The name of the

petitioner has been changed in the Gazette also.

4. The issue is now *no longer res-intergra* in view of the judgment of the Three Judges Bench of the Apex Court in a case of Jigya Yadav (Minor) (Through Guardian/Father Hari Singh) Vs. Central Board of Secondary Education and others reported in *(2021) 7 SCC 535*.

5. Following paras of the said judgment would be relevant.

“194. As regards request for “change” of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. Such a request could be made in two different situations. The first is on the basis of public documents like Birth Certificate, Aadhaar Card/Election Card, etc. and to incorporate change in the CBSE certificate consistent therewith. The second possibility is when the request for change is due to the acquired name by choice at a later point of time. That change need not be backed by public documents pertaining to the candidate.

194.1 Reverting to the *first category*, as noted earlier, there is a legal presumption in relation to the public documents as envisaged in the 1872 Act. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the request for recording change in the certificate issued by it. This, however, need not be unconditional, but subject to certain reasonable conditions to be fulfilled by the applicant as may be prescribed by the CBSE, such as, of furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing Public Notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/return of the original certificate (or duplicate original certificate, as the case may be) by the applicant. The fresh certificate may contain

disclaimer and caption/annotation against the original entry (except in respect of change of name effected in exercise of right to be forgotten) indicating the date on which change has been recorded and the basis thereof. In other words, the fresh certificate may retain original particulars while recording the change along with caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).

194.2 However, in the *latter situation* where the change is to be effected on the basis of new acquired name without any supporting school record or public document, that request may be entertained upon insisting for prior permission/declaration by a Court of law in that regard and publication in the Official Gazette including surrender/return of original certificate (or duplicate original certificate, as the case may be) issued by CBSE and upon payment of prescribed fees. The fresh certificate as in other situations referred to above, retain the original entry (except in respect of change of name effected in exercise of right to be forgotten) and to insert caption/annotation indicating the date on which it has been recorded and other details including disclaimer of CBSE. This is so because the CBSE is not required to adjudicate nor has the mechanism to verify the correctness of the claim of the applicant.”

6. In the light of the above, the impugned order is quashed and set aside. The parties shall consider effectuating change of name in tune with the judgment of the Apex Court in a case of Jigyada Yadav (Minor) (Through Guardian/Father Hari Singh) Vs. Central Board of Secondary Education and others (*supra*). The same shall be considered expeditiously. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]