

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3674 OF 2020

Shubham s/o Dhananjay Kane,  
aged about 18 years, occupation :  
student, resident of Aashish  
Apartment, Laxmi Nagar, Nagpur.

... Petitioner

- Versus -

The Secretary, Central Board of  
Secondary Education, Registered  
Office at 1630 (New No.3),  
J-Block, 16, Main Road,  
Anna Nagar, Chennai (West).

... Respondent

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Shri S.S. Ghate, Advocate for petitioner.

Shri P.S. Chawhan, Advocate for respondent.

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CORAM : SUNIL B. SHUKRE AND  
ANIL S. KILOR, JJ.

DATED : JULY 9, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Hearing was conducted through Video Conferencing and  
the learned Counsel for the parties agreed that the audio and visual  
quality was proper.

2) Heard Shri Ghate, learned Counsel for the petitioner and Shri Chawhan, learned Counsel for the respondent.

3) Rule, returnable forthwith. Heard finally by the consent of the learned Counsel for the parties.

4) The petitioner has changed his name by following the procedure prescribed by law. Earlier he was known as “Shubhamkar” and now after the change, he has become “Shubham”. A gazette notification to that effect has already been published in the State of Maharashtra and based upon that, the petitioner contends that the Maharashtra State Board of Secondary and Higher Secondary Education has corrected his name showing it to be now “Shubham”. A copy of the communication dated 25/12/2019 accepting such change of name of the petitioner issued by the Deputy Director (Education), Nagpur Division, Nagpur has been placed on record. We find that this document substantiates the claim of the petitioner regarding acquisition of new name by him.

5) With the above facts, we are of the view that the case of the petitioner seeking change of his name even in the 10<sup>th</sup> Standard

examination mark-list is well supported by the law laid down by the Apex Court in the case of Jigyada Yadav (minor), (through guardian/father Hari Singh) vs. C.B.S.E. (Central Board of Secondary Education) and others, decided on 3/6/2021, wherein the Apex Court has observed in paragraph 171(b) as under :

*“(b) 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 view of above, we allow the petition in terms of its prayer clause (i). Rule accordingly. No costs.

JUDGE

JUDGE

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