

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3264 OF 2021

1. Miss. Ritvi D/o. Pankaj Golechha,
(Minor), aged about 17 years,
Occupation : Student, R/o. Katoli,
Bamni, Post : Katoli, Tq. Ballapur,
District : Chandrapur, through
guardian/ father Shri Pankaj
Kamalnayan Golechha.
2. Pankaj S/o. Kamalnayan Golechha,
Aged about 40 years, Occupation :
Cultivation, R/o. Katoli – Bamni,
Post : Katoli, Tq. Ballarpur, District:
Chandrapur.
3. Neha W/o. Pankaj Golechha,
Aged about 39 years, Occupation:
Household, R/o. Katoli – Bamni,
Post : Katoli, Tq. Ballarpur, District:
Chandrapur.

.... **PETITIONERS.**

// VERSUS //

1. Central Board of Secondary Education,
through its Regional Director, Central
Board of Secondary Education, Regional
Office, RLM Business Park, Sr.No.28/4/A,
Old Kharadi – Mundhva Road, Opp.
Bollywood Complex, Kharadi, Pune-411014.
2. Ballarpur Public School, Yenbodi,
Tq. Ballarpur, District Chandrapur
- 442701 – through its Principal.

.... **RESPONDENTS.**

Shri M.P.Khajanchi, Advocate for Petitioners.
Shri P.S.Chauhan, Advocate for Respondent No.1.
Shri P.R.Agrawal, Adv. h/f. Shri A.S.Ambatkar, Adv for Resp.No.2.

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

DATED : **OCTOBER 06, 2021**

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. Learned counsel for the petitioner initially submitted that the claim of the petitioner No.1 regarding change of her name in the Central Board of Secondary Education (C.B.S.E.) Certificate is supported by the school record. But, upon verification of the statement, we find that such change is not at all supported by the school record as the School Leaving Certificate, issued by Khamgaon School where the petitioner No.1 studied up to 7th Standard, discloses that it was issued in the previous name of petitioner No.1.

4. Now, the learned counsel for the petitioners submits that change in the particulars to be recorded in the certificates issued by the C.B.S.E. can also be effected on the basis of other public documents, such as Birth Certificate, Aadhar Card, Election Card and in the present case, as petitioner No.1 has already been issued Aadhar Card in her new name, the request of the petitioner for incorporating the change in the certificates issued by the C.B.S.E. ought to have been accepted by the C.B.S.E.

5. The learned counsel for C.B.S.E. submits that the C.B.S.E. is ready to consider the claim of the petitioner No.1 in terms of the directions issued by the Supreme Court in *Jigyada Yadav (Minor) (Thr. Guardian/Father Hari Singh) .vs. C.B.S.E.*, reported in **2021(7) SCALE 298**.

6. On going through the observations of the Hon'ble Apex Court appearing in paragraph 171, we find that the claim regarding incorporation of change in the C.B.S.E. Certificates is duly supported by the public document, which is Aadhar Card. The Aadhar Card has been issued in the present name of the petitioner.

7. In *Jigyada Yadav* (supra), two categories of such claim have been mentioned. The first is based upon public documents like Birth

Certificate, Aadhar Card, Election Card and so on and so forth and second is when the request for change is due to the acquired name by choice at later point of time, in which case, there has to be a declaration given by a Court of law. Since the claim regarding incorporation of change in the C.B.S.E. certificate, made by the petitioner, is based upon a public document, it would fall in the first category as noted in paragraph No.171 of *Jigyada Yadav* (supra) and therefore, we are of the considered view that such a claim of the petitioner No.1 cannot be ignored by the C.B.S.E.

8. Accordingly, we direct the C.B.S.E. to entertain the request of the petitioner No.1 for recording change in the C.B.S.E. Certificates and other documents to be issued/issued by the C.B.S.E. and allow the same subject to reasonable condition(s), which may be imposed by the C.B.S.E. in its discretion, in terms of the directions issued in the case of *Jigyada Yadav*(supra), within a period of four weeks from the date of the order.

Rule accordingly. No costs.

(ANIL S. KILOR, J)

(SUNIL B. SHUKRE, J.)