



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.21190 of 2018

Ramyaa.K

...Petitioner

Versus

1. The Controller of Examinations,
Anna University,
Chennai - 600 025.
2. The Principal,
Sri Sai Ram Engineering College,
West Tambaram,
Chennai - 600 044.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Communication dated 03.08.2018 passed in Memo No.4125/COE/C24/2018-32689, on the file of the first respondent and quash the same and consequently direct the first respondent herein to incorporated the new name of the petitioner "Ramyaa.K" in her B.E., Computer Science and Engineering Mark Sheets, Provisional and Degree Certificates, pertaining to her Registration No:41909104087 instead of her old name "Sivakameswari.K".

For Petitioner : Mr.L.Govi Ganesan

For R1 : Mr.L.P.Shanmugasundaram
Standing Counsel

For R2 : No Appearance

O R D E R

This Writ Petition has been filed, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Communication dated 03.08.2018 passed in Memo No.4125/COE/C24/2018-32689, on the file of the first respondent and quash the same and consequently direct the first respondent herein to incorporated the new name of the petitioner "Ramyaa.K"



३.१. प्रयोग ५२८

6. Upon perusal of the documents, it would appear that, originally, the petitioner's name was " Sivakameshwari" and she changed her name as "Ramya.K" in the year 2016. In this regard, she effected Tamilnadu Government Gazette publication on



06.01.2016. Subsequently, public notice was also issued in English and Tamil daily indicating her change of name. Thereafter, she made a representation to the first respondent requesting to change her name in her B.E marksheet. However, the same was rejected for the reason the marksheet was issued before effecting the publication in Tamilnadu Government Gazette.

7. At this juncture, it would be appropriate to extract the judgement of Hon'ble Apex Court in the case of Jigyasa Yadav vs Central Board of Secondary Education reported in (2017) 7 Supreme Court Cases 535. Paragraph No.194.2 of the judgment above referred to is extracted hereunder:

"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 duplicated 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."

8. A perusal of the above would show that, if a person wants to change his/her name, the authorities cannot insist any other document except the declaration by the Court of law with regard to the change of name and publication in the Official Gazette including surrender of original certificate issued by the concerned authority. In the present case, the petitioner has only effected a publication in Tamilnadu Government Gazette and the public notice in English and Tamil Newspapers. Therefore, she has to ultimately get declaration from the concerned Civil Court and re-submit her representation as law laid down by the Hon'ble Apex Court.



9. In view of the above, this Court directs the petitioner to obtain declaration from the concerned Civil Court and resubmit her representation along with Tamilnadu official Gazatee publication before the first respondent and on such representation being made by the petitioner, the first respondent shall consider the same on merits and dispose within a period of 8 weeks from the receipt of the representation from the petitioner. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

The Controller of Examinations,
Anna University,
Chennai - 600 025.

+1cc to Mr.L.Govi Ganesan, Advocate, S.R.No.60201

W.P.No.21190 of 2018

KSM[co]
NSK 09/12/2021