

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20652 of 2017

Biswaranjan Paital

....

Petitioners

*Mr. S. Sourav, Advocate along with
Mr. Rajeet Roy, Advocate*

-versus-

Regional Officer, CBSE, BBSR

Opp.Parties

*Mr. P. Mohapatra, Advocate for O.P. No.1
Mr. M.M. Patnaik, Advocate for O.P. No.2.*

CORAM:

JUSTICE M.S.SAHOO

ORDER

07.03.2022

Order No.

5.

This matter is taken up through hybrid mode.

The writ petition has been filed in the year 2017 to change the name of the parents of a student as indicated in the certificate issued by opposite party no.1 in respect of the Class-X Examination for the year 2016.

It is submitted by the learned counsel for the petitioner that the petitioner's son prosecuted his studies in Class-X at opposite party no.2 (Buxi Jagabandhu English Medium School, Bhubaneswar), appeared at Class-X Examination and wants to change the name of parent/guardian in Class-X certificate, as issued by CBSE.

The matter was heard at some length, particularly regarding the applicability of decision rendered by the Hon'ble Supreme Court in ***Jigya Yadav (Minor) through Gurdian/Father Hari Singh v. C.B.S.E. and others: (2021) 7SCC 535.***

Learned counsel for the petitioner relying on the ***Jigya Yadav*** (supra) submits that the prayer made in the writ petition can be allowed in view of the observations by

the Hon'ble Supreme Court as at paragraphs-145, 152, 160, 168 and 170.

Per contra, learned counsel for the CBSE submits that observations of the Hon'ble Supreme Court at paragraphs-193.1, 193.2, 193.3 and 194.2 of **Jigya Yadav** (supra) would show that the prayer made in the writ petition cannot be allowed.

At this stage, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to move the appropriate authority for redressal of his grievance.

Learned counsel for the CBSE submits that if the petitioner moves the authority by way of a representation, the same shall be considered in accordance with law as per prevailing statute, relevant circulars and the bye-laws.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to move the authority for redressal of his grievances in accordance with law.

It is clarified that this Court has not expressed any opinion on the merits of the case in any manner whatsoever.

(M.S.Sahoo)
Judge