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W.P.No.10432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.10432 of 2024

Abhimanyu Kumar Sharma

.. Petitioner

vs

1.The Chairperson

Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi – 110 092.

2.The Controller of Examinations,

Central Board of Secondary Education,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi – 110 092.

3.The Regional Officer,

CBSE Regional Office, Chennai,
New No.3, Old No.1630 A, J Block,
16th Main Road, Anna Nagar West,
Chennai – 600 040.

4.The Principal,

Maharishi Vidya Mandir,
No.28, Dr.Gurusamy Road,
Maharishi Gardens, Chetpet,
Chennai – 600 031.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representation dated 04.03.2024 given by the petitioner and effect a change in name in the Std X Marks Statement cum Certificate bearing Regn No. M121/55047/0107 dated 03.08.2021 issued to the petitioner and alter it from "Riya Sharma" to "Abhimanyu Kumar Sharma" at the earliest.

For Petitioner : Mr.Sanjsh Mahalingam
Ms.Sathiya G

For Respondents : Mr.G.Nagarajan, for R1 to R3
Mr.V.N.Amudhan, for R4



W.P.No.10432 of 2024

ORDER

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Read this order in continuation of and in conjunction with order dated 18.07.2024 that extracts previous orders as well in order to establish the trajectory of the facts and circumstances at issue:-

"Read this order in conjunction with and in continuation of orders, specifically dated 26.06.2024, 04.07.2024 and 15.07.2024, that read as follows:

26.06.2024:

The prayer of the petitioner is for a mandamus directing the respondents to consider his representation dated 04.03.2024 and effect a change in name in the Xth standard marks statement cum certificate.

2. Mr.V.N.Amudhan, learned counsel appearing for the School/R4 in short conveys that the school has no objection in effecting the name change as prayed for, subject to certain formalities being completed and documents being produced.

3. For this purpose, the petitioner is permitted to appear before R4, being the Principal, Maharishi Vidya Mandir, on 27.06.2024 at 10.30 a.m., with the originals of all documents to pursue his request as per extant Rules and Regulations under representation dated 04.03.2024. The petitioner will be granted audience and heard and R4 will thereafter forward the application to R3 forthwith, and not later than 02.07.2024.

4. List on 04.07.2024 for reporting compliance.

04.07.2024:

Both parties confirm that directions under order dated 26.06.2024 have been complied with by R4 and the application has been received by R3 on 28.06.2024.

2. In terms of Rule 7(5) of the Transgender Persons (Protection of Rights) Rules, 2020, let R3 make necessary changes in the certificates and issue fresh certificates positively within a period of



WEB COPY



W.P.No.10432 of 2024

two (2) weeks from 28.06.2024, i.e., on or before 12.07.2024.

3. List on 15.07.2024 under the same caption.

15.07.2024:

Read this order in continuation of and in conjunction with earlier orders dated 26.06.2024 and 04.07.2024.

2. Despite a specific direction to R4 to report compliance to forward the documents to R3 not later than 02.07.2024, it appears that documents forwarded were incomplete, and the original 10th standard certificate was not enclosed. This is a lacunae on the part of R4/ School.

3. On 06.07.2024, R4 has written to R3 asking for the missing original certificate as well as DD. The DD was sought from the petitioner on 06.07.2024 and received from the petitioner on 08.07.2024. The original document and DD have been forwarded by R3 only on 09.07.2024 to R4. In light of the non-compliance with the categoric order of this Court to R3 to forward the necessary documents to R4 by 02.07.2024, R3 is put to terms and will remit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute, Adyar, Chennai, within a week. Memo of costs be filed by the next hearing.

4. R4 now seeks for two more days to do the needful. Hence, list this matter under the caption 'to report compliance' on 18.07.2024.

2.Mr.V.N.Amudhan, learned counsel for R4 files a memo in compliance with the imposition of terms on 15.07.2024 and the same is taken on record.

3.Mr.G.Nagarajan, learned counsel for R1 to R3 has produced the 10th standard mark statement-cum-certificate bearing registration No.M121/55047/0107 dated 03.08.2021 and 16.07.2024 containing the name Abhimanyu Kumar Sharma.

4.A copy of the certificate is handed over to the learned counsel for the petitioner, with the original having been sent to the school. The certificate however contains the following post script 'change allowed in candidates name (from Riya Sharma to Abhimanyu Kumar Sharma), gender



WEB COPY



W.P.No.10432 of 2024

(from female to male) and photo as per order of the Hon'ble High Court of Madras dated 04.07.2024 in WP.No.10432 of 2024'.

5.The Hon'ble Supreme Court in Civil Appeal No.3905 of 2011 (Jigya Yadav (Minor) (Through Guardian/Father Hari Singh) v. C.B.S.E. (Central Board of Secondary Education) & Others) has stated that the basis on which the change is made, is to be revealed in the certificate. In the present case, the basis of the change in name is the certificate dated 16.02.2024 in Form-4 issued by the District Collector, Chennai in terms of Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019 and the order of the Court in WP.No.10432 of 2024 dated 04.07.2024. Let the aforesaid factors alone be mentioned.

6.Mr.Amudhan, learned counsel for R4 would agree that an amended certificate will be issued forthwith, along the lines as aforesaid, prior to 29.07.2024.

7.List on 29.07.2024 under the same caption."

2. Today, learned counsel, for the petitioner confirms that he has received the corrected marks statement cum certificate and migration certificate from the Regional Officer, Central Board of Secondary Education, Chennai, with appropriate endorsement.

3. Since the object of writ petition stands achieved, and recording the submission, this writ petition is closed. No costs.

29.07.2024

Index:Yes/No
Neutral Citation:Yes
ssm



W.P.No.10432 of 2024

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