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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 3610/2024****MS PRIYA DHAWAN & ANR.** PetitionerThrough: **Ms. Puja Shrivastava, Adv.**

versus

DELHI UNIVERSITY & ANR. RespondentsThrough: **Ms. Rashmi Singhanian, Adv.****Mr. Amit Gupta with Ms. Samiksha,**
Advocates, for R-2.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****J U D G M E N T (O R A L)**

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23.04.2024

1. Monika Dhawan married Rajesh Dhawan on 18 January 1995.
2. Out of the said wedlock, Petitioner 1, Priya Dhawan and Petitioner 2, Pranjay Dhawan were born on 4 November 1995 and 20 September 1999 respectively. The certificates of birth issued by the Government of NCT of Delhi (GNCTD) in respect of the petitioners reflect their parents' names as Monika Dhawan and Rajesh Dhawan.
3. Rajesh Dhawan, the petitioners' biological father, expired on 11 August 2008.
4. On 16 February 2010, the petitioners' mother remarried. Her second husband was one Gaurav Rana. (Though there is an assertion

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in the petition that Gaurav Rana was not the actual name of the petitioners' step-father, but that his name was Sumit Dass, that is not an issue which need to concern us in the present case. We will assume it was Gaurav Rana.)

5. Thereafter, it appears that there was discord between Monika Dhawan and Gaurav Rana, resulting in a complaint being instituted by Monika Dhawan before the SHO, P.S. K. M. Katju Marg, Rohini on 30 August 2019.

6. The petitioners, Priya Dhawan and Pranjay Dhawan brought out a notification in the Official Gazette on 5 January 2019, declaring that their names were Priya Dhawan and Pranjay Dhawan, and that their parents were Monika Dhawan and Rajesh Dhawan.

7. The name of the petitioners, as well as their parents, have thereafter been changed in all public documents, including Aadhaar Card, Passport, Driving Licence and Pan Card.

8. The petitioners also instituted WP (C) 2883/2020 before this Court, for change of their name and the name of their father in the certificate issued by the CBSE.

9. On 24 November 2021, the CBSE made a statement before this Court that the CBSE was agreeable to accede to the petitioners' request for change of their names and their parents' names in the certificate of the CBSE. Recording the said statement of the CBSE,

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WP (C) 2883/2020 was disposed of by this Court *vide* order dated 24 November 2021.

10. The petitioners now seek a correction of their names and the name of their father in the degree and marksheet issued by the University of Delhi. The final year marksheet of Petitioner 1 was issued by the University of Delhi, consequent on her having completed the B.A. (Hons.) Italian course was issued on 24 June 2017 and the final marksheet of Petitioner 2, who had undertaken the B.A. (Hons) English Course from the School of Open Learning (SOL), was issued by the Delhi University on 25 December 2020. These certificates do not reflect the names of the petitioners' parents, but the names of the petitioners are shown as Priya Rana and Pranjay Rana respectively. Though the marksheet of Priya Rana does not reflect the name of her father, the marksheet of Petitioner 2, Pranjay Rana shows his father's name to be Gaurav Rana. The names of the petitioners are entered in the marksheets as Priya Rana and Pranjay Rana.

11. The degrees awarded to the petitioners consequent to the completion, by them, of their B.A (Hons) Italian and B.A (Hons) English courses, reflect their identities as "Priya Rana, D/o Gaurav Rana" and "Pranjay Rana, S/o Gaurav Rana".

12. The petitioners, therefore, seek change of their names and the name of their father in their marksheets and degrees issued by the DU from "Priya Rana" to "Priya Dhawan", "Pranjay Rana" to "Pranjay Dhawan" and "Gaurav Rana" to "Rajesh Dhawan".

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13. A request for change of name, when supported by public documents, has been held by the Supreme Court in *Jigyada Yadav v. CBSE*¹ to be ex facie justified and not a matter which would pose any difficulty.

14. The name of the petitioners as well as their father stand changed in all public documents including the certificates issued by the CBSE. Their respective birth certificates also reflect their names as Priya Dhawan and Pranjay Dhawan and the name of their father as Rajesh Dhawan.

15. Ms. Rashmi Singhania, who appears for the DU, has only sought to place reliance on Clauses 3 and 7 of the Notification dated 15 November 2022 issued by the DU. Clause 3 governs requests for change of name of the student and Clause 7 governs requests for change of name of their parents. Said clauses read thus:

3. Former students who are desirous of getting their names changed in the University records based on the changes carried out by the CBSE/state Boards/such other Boards in their records in Class Xth & Class XIIth will be required to submit the following documents to facilitate change of their name in the University records:

- i. Gazette of India Notification.
- ii. Two Indian Leading Newspapers.
- iii. Self-declaration in the form of an Affidavit in the Non-Judicial Stamp Paper of Rs.100/- duly attested by a First Class Magistrate.
- iv. Marksheet/Certificate of Class 10th issued by CBSE/state Boards/other related boards.
- v. Marksheet/Certificate of Class 12th issued by CBSE/state



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Boards/other related boards.

vi. Any one Photo Identity Proof issued by the Government i.e. Adhaar Card, PAN Card, Voter ID Card, Passport, Driving License.

It is the sole responsibility of the student/former student that the documents submitted by him/her are authentic/ genuine.

7. Change of name of the parent(s) of the current student and former students shall be carried out in the University records subject to the following conditions:

- i. Any student/former student who wishes to change the name of parent(s) shall be required to get the amendments done in the CBSE/state Boards/other related boards records of Class Xth & Class XIIth standard and submit the documents accordingly for consideration of such requests.
- ii. In case of any marital discord and resultant change of surname/replacement of name of any one of the parent, the student/former student shall be required to submit a Decree of Separation Issue by a Court of Law in the matter.

16. Ms. Srivastava submits that, though the petitioners produced before the Delhi University the documents enumerated in Clause 3 of the notification dated 15 November 2022, they are willing to once again produce the said documents so as to secure change of the name of the petitioners in their marksheet and degree.

17. Insofar as the names of the petitioners' father is concerned, Ms. Singhania has drawn my attention to sub-clause (ii) in Clause 7 of the Notification dated 15 November 2022. She submits that, as per the said clause, the petitioners would have to produce a decree of separation issued by a court of law, to obtain change of the name of her father.

18. In the first place, sub-clause (ii) in Clause 7 of the notification

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dated 15 November 2022 appears to me to be an unreasonable requirement. To call upon a student to produce a decree of separation between their parents, before seeking a change of the name of the parent is, in my view, asking for too much.

19. That apart, this clause would not apply in the present case at all. Clause 7(ii) refers to a change of surname or replacement of the name of any one of the parents as a result of marital discord. The petitioners are not seeking a change of the name of their father, as recorded in the marksheets and degrees issued by the DU, because of any marital discord between their mother and father.

20. The public documents placed on record, especially the birth certificates of the petitioners, clearly reflects the name of their father to be Rajesh Dhawan and not Gaurav Rana. The prayer for change of name is, therefore, based on the actual fact that they are the children of Monika Dhawan and Rajesh Dhawan. There was no marital discord between Monika Dhawan and Rajesh Dhawan, at least insofar as the record discloses.

21. As such, Clause 7(ii) of the notification dated 15 November 2022 is *ex facie* inapplicable.

22. Clause 7(ii) already stands satisfied by the petitioners as the CBSE has, in the Class X and class XII certificates of the petitioners, changed their names to Priya Dhawan and Pranjay Dhawan and the name of their father from Gaurav Rana to Rajesh Dhawan.

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23. As a result, this writ petition would be required to be allowed.

24. Accordingly, the Delhi University is directed, forthwith, to issue fresh final marksheets of the B.A. (Hons) Italian course of Petitioner 1 and B.A. (Hons) English course undertaken by Petitioner 2 as well as fresh degrees. The names of the petitioners would be reflected as Priya Dhawan and Pranjay Dhawan, and they would be shown as the daughter and son respectively of Rajesh Dhawan.

25. Let the corrected certificates and degrees be issued by the University of Delhi within a period of three weeks from today. Needless to say, the petitioners would, on receiving the corrected marksheets and degrees, return the original marksheets and degrees already issued to them, to the DU.

26. The writ petition stands allowed in the aforesaid terms, with no orders as to costs.

C. HARI SHANKAR, J.

APRIL 23, 2024

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[Click here to check corrigendum, if any](#)