

D/L 10
11.03.2025
Court No.14
PRADIP

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 22965 of 2023

**Sri Bhabotosh Kumar Chakravarty
Vs.
The Central Board of Secondary of Education &
Ors.**

Mr. Sambhunath De

...for the Petitioner.

*Mr. U.S. Menon
Mr. A. Chakraborty*

...for the CBSC.

1. The petitioner prays for a direction upon the Central Board of Secondary Education to change the spelling of the name of his son from **'MONISH'** to **'MANISH'** in the certificate issued by the Board in respect of the All India Senior School Certificate Examination, 1996.
2. The son of the petitioner is currently abroad for higher studies. All the school testimonials of the son of the petitioner record the spelling of his name as 'MONISH'. Birth certificate was obtained in favour of his son from Bilaspur Municipal Corporation in the year 2021 with the spelling 'MANISH'. An affidavit was affirmed by the petitioner before the Court of the Judicial Magistrate, 1st Class at Barrackpore declaring that 'MANISH' and 'MONISH' is the same identical person. The petitioner has also made a public advertisement in the newspaper.
3. A request was made before the Chairperson of the Central Board of Secondary Education to change the

spelling of the name of his son in June, 2023 which is yet to be responded by the authority.

4. Similar request was also made before the Principal of the school where the son of the petitioner was studying. There is no response from the end of the school either.
5. Prayer has been made to direct the Board to change the spelling of the name of his son.
6. Learned advocate representing CBSE submits that, the candidate passed out the Secondary Examination in the year 1996. The request for change of the spelling of the name has been made only in the year 2023 and all school records are to be changed for allowing the prayer of the petitioner.
7. The petitioner and the Board both rely on the judgment delivered by the Hon'ble Supreme Court in the matter of ***JIGYA YADAV (MINOR) (THROUGH GUARDIAN/FATHER HARI SINGH) Vs. CENTRAL BOARD OF SECONDARY EDUCATION AND OTHERS*** reported in ***(2021) 7 Supreme Court Cases 535***.
8. In paragraph nos. 194 & 194.1 of the said judgment the Hon'ble Supreme Court was of the opinion that, as regards request for "change" of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. There is a legal presumption in relation to public documents like birth certificate, Aadhar Card, election card, etc. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the request for recording change in the certificate issued by it.

9. The Court held that the change may be conditional subject to the conditions fulfilled by the applicant as may be prescribed by CBSE, such as, furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing public notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/return of the original certificate by the applicant. The fresh certificate may contain disclaimer and caption/annotation against the original entry indicating the date on which change has been recorded and the basis thereof. The fresh certificate may retain original particulars while recording the change along with caption/annotation.
10. It appears that, the petitioner has already obtained a birth certificate in the name of his son with the spelling 'MANISH' and an affidavit has also been sworn before the learned Judicial Magistrate, 1st Class, Barrackpore and a paper publication has also been made.
11. Accordingly, the instant writ petition is disposed of by directing the CBSE to process the application made by the petitioner seeking change of the spelling of the name of his son by recording his name as 'MANISH' in line with the guidelines laid down by the Hon'ble Supreme Court and the by-laws of the Board.
12. The respondent no. 4 being the Principal, Kendriya Vidyalaya (Army) is directed to forward the application made by the petitioner seeking change in the records in

respect of his son to the Board within a period of four weeks from the date of communication of this order.

13. Further consequential steps shall be taken by the Board at the earliest, but positively within a period of twelve weeks from the date of receipt of all the documents from the school.

14. It will be open for the Board and the school to intimate the petitioner the conditions or the formalities that are required to be fulfilled or complied for obtaining the new certificate.

15. The petitioner shall be liable to pay the requisite charges for issuance of the new certificate.

16. The writ petition stands disposed of.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)