



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8722 OF 2018

Kartik s/o Shriniwas Bandewar,
Age 18 years, Occu. Student,
R/o At Post Sonkhed, Tq. Loha,
District Nanded

... PETITIONER

VERSUS

1) Central Board of Secondary Education (CBSE)
Regional Office, J-Block, 16th Main Road,
Anna Nagar (West), Chennai 600 040
(Copy to be served through Assistant
Solicitor General of India, High Court,
Bench at Aurangabad)

2) The Principal,
Nagarjuna Public School, Kawatha,
Nanded

... RESPONDENTS

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Mr. U.B. Bondar, Advocate for Petitioner
Mr. Swapnil Joshi, Advocate with Mr. Chetan Chaudhari,
Advocate i/by J.P. Legal Associates for Respondent No.1.

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**CORAM: ALOK ARADHE, CJ. &
S.G. CHAPALGAONKAR, J.**

DATE: 20th MARCH, 2025.

ORAL JUDGMENT (PER : CHIEF JUSTICE) :

1. Rule. Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the Writ Petition is heard finally.

2. In this Writ Petition, the petitioner *inter-alia* seeks a writ of certiorari for quashment of communication dated 3/5/2018, by which the prayer of the petitioner for correction of his name in the 10th Standard mark sheet has been rejected by the Central Board of Secondary Education on the ground that the same is not supported by school record.

3. Facts giving rise to filing of the Petition, in nutshell, are that, uncle of the petitioner got him admitted in 1st Standard in Nagarjuna Public School, Kawatha, District Nanded and wrongly got the name of the Petitioner recorded as Kartik s/o Shriniwas Merupulla. The father of the Petitioner is semi-literate, educated up to 4th Standard only and did not notice the discrepancy which has occurred in the name of the Petitioner. The Petitioner, after passing 10th Standard examination, noticed the same.

4. Thereupon, the Petitioner took steps to change his surname and the same was notified in the Gazette of the State Government, dated 27/11/2015, wherein the name of the Petitioner was mentioned as Kartik Shriniwas Bandewar, instead of Kartik Shriniwas Merupulla. It is pertinent to note

that, on the basis of the aforesaid Gazette, the name of the Petitioner has been corrected in the mark sheet issued to the Petitioner for 11th Standard and thereafter in respect of the mark sheet issued by the Maharashtra Secondary Board of and Higher Secondary Education for 12th Standard.

5. The Petitioner thereafter approached the Central Board of Secondary Education to correct his surname in the 10th Standard mark sheet. However, the aforesaid prayer of the Petitioner was rejected by a communication dated 3/5/2018, *inter-alia* on the ground that the name of the Petitioner is not supported by school record. In the aforesaid factual background, this Petition has been filed.

6. Learned Counsel for the Petitioner submitted that, the Regional Office of the Central Board of Secondary Education ought to have appreciated that the name of the Petitioner has already been changed and the same has been notified in the Gazette issued by the State Government. It is further submitted that, on the basis of the aforesaid Gazette, subsequently in the mark sheet of 11th Standard, the name of the Petitioner has already been changed and subsequently in

the mark sheet issued by the Maharashtra State Board of Secondary and Higher Secondary Education, the name of the Petitioner has already been changed. Therefore, the action of the Respondent in rejecting the prayer of the Petitioner for change of name without considering the aforesaid facts is arbitrary and the impugned order suffers from the vice of non-application of mind.

7. On the other hand, learned Counsel for the Respondent No.1 submitted that, the change in the name is permissible only under Rule 69.1 (i) of the Rules framed by the CBSE for change of date of birth and name. It is submitted that, the change in the name of the Petitioner is required to be made by Court of law and has to be notified in the Government Gazette.

8. We have considered the rival submissions of both the sides and have perused the record.

9. The relevant extract of the CBSE Rules for Change in Date of Birth and Name reads :

"69.1(i) : Application regarding changes in name or surname of candidates may be considered, provided the changes have been admitted by the

Court of law and notified in the Government Gazette before the publication of the result of the candidate.”

10. Thus, it is evident that, a prayer for change of name can be entertained by the Central Board of Secondary Education only if the change in name has been made by Court of law and notified in the Government Gazette. In the instant case, the name of the Petitioner was changed and the same was published in the Government Gazette dated 27/11/2015, issued by the State Government. On the basis of the aforesaid Gazette, the name of the Petitioner was already changed in the mark sheet issued to him for the 11th Standard and by the Maharashtra State Board of Secondary and Higher Secondary Education for the 12th Standard.

11. The Respondents have not filed any affidavit-in-reply to deny the averments made in the Petition. Therefore, it is not the case of the Respondents that the correct name of the Petitioner is Kartik Shriniwas Merupulla. Rule 69.1(i) only provides that changes in the name or surname of the candidates may be admitted by the Court of law and notified in the Official Gazette before publication of the result of candidate. Rule 69.1(i) does not provide that only in the

contingency mentioned in the Rule, change of name shall be made. Therefore, in the peculiar facts of the case, we deem it appropriate to direct the competent authority of the Central Board of Secondary Education to correct the name of the Petitioner in the 10th Standard mark sheet and migration certificate and to mention his name as Kartik Shriniwas Bandewar. Accordingly the Petition is disposed of. Rule made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)

(CHIEF JUSTICE)

FMPathan/-