

(2010) 09 UK CK 0191

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1520 of 2009

Gurpreet Singh

APPELLANT

Vs

Central Board of Secretary Education and Others

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0191

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard Mr. Anant Kumar Agarwal, Advocate for the petitioner and Mr. Gopal Narain, Advocate for the respondent No. 1.

2. By means of this petition, the petitioner has sought the following reliefs-

(1) To issue a writ in the nature of mandamus directing the respondent Nos. 1 and 2 to correct their records and change the name of the petitioner from Gurpreet Kaur to Gurpreet Singh, pertaining to the petitioner.

(2) To issue a writ in the nature of mandamus directing the respondent Nos.1 and 3 to permit the petitioner to continue his studies in the respondent No. 3 school and permit the petitioner to appear in Senior Secondary School Examination, 2010 to be conducted by respondent No. 1, as regular student of respondent No. 3.

3. According to the averments made in the petition the petitioner was born on 14.1.1991 but due to birth defect he was mistaken to be a girl child and was brought up as such. He was admitted in school for education as a girl child. When the petitioner attained the age of 13-14 years and the sign of being a female did not develop, the parents of the petitioner consulted the doctors, who diagnosed that the petitioner is infact a boy and due to birth anomaly was mistaken to be a girl. The petitioner was operated by Dr. H.S. Asopa at Agra twice in the year 2006. After operation the petitioner is living a normal life of male boy.

4. After successful surgical operation the father of petitioner applied for change of name and gender in the birth certificate of the petitioner. Nagar Nigam Dehradun after conducting necessary inquiry, issued a new birth certificate showing the petitioner a boy. Father of petitioner also applied for change of name and gender of petitioner to the C.B.S.E., New Delhi, but the same was not entertained and the father of the petitioner was asked to move an application through the school. The application moved to the school was also not entertained on the pretext that he is no more student of the school. The petitioner filed a suit No. 575 of 2008 against respondent Nos. 1 and 2 before Civil Judge (J.D.) Dehradun for declaring him a male child and also for direction to the respondents to correct the gender of the petitioner in the office record. After passing the secondary school examination the petitioner took admission in Children's Academy, Dehradun for senior secondary education and he was studying in class 12th but he was not being allowed to fill up examination form for senior secondary examination 2010 and his name has also been struck off from the school record. Vide interim order dated 23-9-2009 this Court had directed the respondents 1 to 3 to allow the petitioner to pursue his further studies and also permitted the petitioner to move application before respondent Nos. 2 and 3 for correction of his name.

5. The respondent No. 1 has filed Civil Misc. Application No. 7529/2010, stating therein that during the pendency of the petition the suit No. 575/2008 has been decreed in favour of the petitioner by Civil Judge (J.D.), Dehradun and the respondents have been directed to change the name and gender of the petitioner from Gurpreet Kaur to Gurpreet Singh and to make correction in the record relating to the petitioner.

6. Learned Counsel appearing on behalf of respondent No. 1 contended that the respondents are in process to change the name of the petitioner in the relevant records. Learned Counsel also undertakes that the name and gender of the petitioner will be changed in the relevant records within a short period.

7. In the above background of the facts, the respondent/C.B.S.E. is directed to adopt the correction proceeding on the basis of the judgment passed by Civil Judge (J.D.) Dehradun, in its records, as well as in the records of respondent Nos. 2 and 3, pertaining to the petitioner, expeditiously, preferably within four weeks from the date of production of certified copy of this order.

8. With the aforesaid directions, the writ petition is finally disposed of.