
(2005) 07 DEL CK 0064

In the Delhi High Court

Case No : Writ Petition (C) 9866 of 2005 and C.M. 7222 of 2005

Harsh Dabas

APPELLANT

Vs

Central Board of Secondary Education and Another

RESPONDENT

Date of Decision : 12-07-2005

Acts Referred:

Citation : (2005) 124 DLT 303

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Ranjan Kumar, for the Appellant; Atul Kumar, for the Respondent

Final Decision : Allowed

Judgement

Vikramajit Sen, J.—Rule.

2. With the consent of the parties matter has been heard and is being disposed of finally.

3. The Petitioner is a regular student in the Arts group in Ganga International School, Hiran Kunda, Rohtak Road, New Delhi and is due to take the All India Senior School Certificate Examination (Class G?" XII Board Examination from C.B.S.E.) in March 2006 and that for writing the examination in March 2006, he is required to fill up the form for the said examination sometime in September/October, 2005. The Petitioner has changed his name from 'Aditya Dabas" to 'Harsh Dabas" and put an insertion bout the same by the guardian of the Petitioner in two newspapers one in English daily "Indian Express" Delhi Edition and another in Hindi Daily, "Jansatta" Delhi Edition on 4.2.2005. The guardian of the Petitioner also got the said change of name published in the Gazette of India dated February, 19-25, 2005. The Petitioner thereafter applied to the Respondents for effecting the change in the name in their respective records. Since no steps were taken by Respondents, on 21.4.2005 the Petitioner sent a legal notice to Respondents 1 and 2 asking them to do the needful. The Respondent No. 1 vide letter dated 2.5.2005 replied to the above said notice and

showed their inability to effect the change of name in their record unless it is permitted by a Court of law. Since Respondents showed their inability in effecting change in his name in their respective records, the Petitioner filed the present petition. The Respondent No. 1 in its Reply has stated that the writ petition for the change of name of the Petitioner without the Petitioner complying with the requirements of the Examination Bye Laws of the Central Board of Secondary Education is not maintainable. The relevant portion of Examination Bye-Laws No. 69.1 reads as under:

69.1 Changes and Correction in Name....

iv. Application regarding change in name/surname may be considered provided the changes have been permitted by a court of law and notified in a Government Gazette. In the event of Court of Judicature allowing the change of name of a candidate, the same shall be carried out by the Board after obtaining relevant documents concerning change of name published in an official gazette.

4. The Petitioner along with the petition has filed copies of the newspapers as well as the Gazette of India dated February 19-25, 2005 indicating that the Petitioner has changed his name from Aditya Dabas to Harsh Dabas. My attention has also been drawn to the judgments of this Court in Civil Writ No. 2103/94 passed on 19th May, 1994, Civil Writ No. 29/2001 passed on 19th March, 2001 and W.P. (C) 14638/2004 passed on 14th January, 2005 whereby the Court had given a declaration regarding the change of name of the Petitioner in those cases. Following the aforesaid judgments of the Court, in my view, there cannot be any objection to the Respondents to the change of name of the Petitioner in their records from Aditya Dabas to Harsh Dabas.

5. It is, Therefore, apparent that the Petitioner satisfies all requirement of Rule 69 of the CBSE Examination Bye-Laws.

6. I, accordingly, allow the present petition and declare that the name of the Petitioner stands changed in accordance with law from Aditya Dabas to Harsh Dabas. I also direct the Respondents to make necessary changes in their records. With these observations, the petition stands disposed of.