
(2021) 03 KL CK 0076

In the High Court Of Kerala

Case No : Writ Petition (C) No. 3832 Of 2021

Naveed M.C @Noufal

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 08-03-2021

Acts Referred:

Citation : (2021) 03 KL CK 0076

Hon'ble Judges : P.V. Asha, J

Bench : Single Bench

Advocate : A.S. Shammy Raj, Vinitha B

Final Decision : Disposed Of

Judgement

1. The petitioner is aggrieved by the action of the 2nd respondent in returning his application for effecting corrections in the SSLC Book relating to change of his name, caste and religion in Ext.P1 certificate saying that there is no such procedure and petitioner can produce the Gazette notification along with the certificate wherever necessary.
2. The original name of the petitioner was Noufal and his name, caste and religion were entered as Noufal M.C., Islam-Muslim respectively in Ext.P1-Secondary School Leaving Certificate. He had submitted an application for notifying correction of his name, caste and religion in the Gazette after obtaining a caste certificate Ext.P3 from the Tahsildar on 21.10.2020. He had got his name changed in the Aadhar Card-Ext.P4. Ext.P5 Gazette notification was issued on 08.12.2020 notifying the change of his name from Noufal to Naveed and his Religion and Caste from Islam-Muslim to Hindu Kanikkaran. The Religion and Caste were changed and Gazette notification was issued on the basis of the judgment of this Court in WP(C)

No.1836 of 2020. Petitioner submitted Ext.P6 application dated 01.01.2021 remitting the prescribed fee, for making consequential corrections in School records and requesting for a corrected certificate, which was forwarded by the Headmaster of the Government School Meenangadi to the 3rd respondent. As per Ext.P9 endorsement the 2nd respondent rejected the said application, stating that the petitioner can produce the Gazette notification as there is no provision or practice or rules providing for correction in the School Leaving Certificate. The Writ Petition is therefore filed in the aforesaid circumstances pointing out the entitlement of the petitioner to get the name, religion and caste corrected. The petitioner also relies on the judgments of the High court of Madras, Punjab and Haryana in Exts.P10 and P11.

3. I heard the learned counsel for the petitioner as well as the learned Government Pleader.

4. It cannot be disputed that the petitioner's name, religion and caste have already been altered and it is published in the Gazette also. It will not be possible for the petitioner to produce the Gazette notification for the purpose of higher studies and for the purpose of employment when online applications are called for and the entire proceedings are being held in digital media. Therefore even in the absence of any specific provision, it is necessary that appropriate rectifications are made in the certificate on the basis of the correction already made with respect to the name, caste and religion of the petitioner.

5. In the aforesaid circumstances, Ext.P9 is set aside.

There shall be a direction to the 2nd respondent to issue a certificate showing the corrected name of the petitioner with corrected religion and caste as

Naveed M.C. who belongs to Hindu Kanikkaran Community. This shall be done within a period of six weeks from the date of receipt of a copy of the judgment.

The Writ Petition is disposed of accordingly.