
(2020) 01 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21388 Of 2018

Satish Kumar @ Shrey

APPELLANT

Vs

Central Board Of Secondary Education And Another

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0024

Hon'ble Judges : Sudhir Mittal, J

Bench : Single Bench

Advocate : Vivek Salathia, Naveen Chopra

Final Decision : Allowed

Judgement

Sudhir Mittal, J

1. Learned counsel for respondent No.1 has filed short reply today in Court. The same is taken on record.

2. The petitioner passed his secondary school examination in the year 2014 and in the certificate, his name is recorded as 'Satish Kumar'. Thereafter, in the year 2016, his father decided to change his name to 'Shrey'. Accordingly, an advertisement was published in two local newspapers and a declaration was published in the Chandigarh Administration Gazette dated 01.07.2016. Pursuant to the said procedure, the name of the petitioner has been recorded as 'Shrey' in his Aadhaar Card and PAN Card also. On 23.01.2018, a request was made to the Regional Officer of Central Board of Secondary Education (CBSE) to correct the name in the secondary school examination certificate but the same was not done and therefore, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that father of the petitioner has changed name of the petitioner after he passed the secondary school examination and relevant documents have been executed for change in the name. Thus, a direction may be issued to respondent No.1 to correct the name in

the certificates of secondary school examination as well as senior secondary school examination.

4. Learned counsel for respondent No.1 submits that according to the rules of the CBSE only a clerical/typographical error in the name can be corrected. There is no provision permitting change in name and thus, the writ petition deserves dismissal.

5. Name of a person is a personal choice. It identifies the person but is not in the nature of an identification card which can never be changed. An individual is free to change his name any time so long as the process provided therefor has been followed. In the instant case, after the change of his name, the petitioner has got a publication made in two local newspapers and has also got a declaration published in the official Gazette. Consequently, his name stands changed to 'Shrey'. The changed name also finds mention in his Aadhaar Card and PAN Card and therefore, a correction has been sought in the secondary school examination certificate as well as senior secondary school examination certificate. The rules of the CBSE do not cater for such a situation. They only provide for correction in case of typographical or clerical error. If the rules do not cater for a particular situation, a constitutional Court can always issue directions to fill the void.

6. The writ petition is allowed. Respondent No.1 is directed to correct the name of the petitioner in the secondary school examination certificate as well as senior secondary school examination certificate. It will read as 'Satish Kumar @ Shrey'.