

(2018) 10 CAL CK 0070

In the Calcutta High Court

Case No : Writ Petition No.13487 (W) Of 2018

Suman Dutta @APPELLANT@Hash West Bengal Board of Secondary Education & Ors

Date of Decision : 11-10-2018

Acts Referred:

Citation : (2018) 10 CAL CK 0070

Hon'ble Judges : Arijit Banerjee, J

Bench : Single Bench

Advocate : Biswabrata Basu Mallick, Santanu Moitra, Ratul Biswas

Final Decision : Disposed Off

Judgement

The petitioner was born on 1st November, 1993. His parents named him Suman Sarkar. That name appears on his certificate of birth. His father's

name is Anarul Haque. His mother's name is Joya Dutta. In the year 2010, the petitioner appeared in the Madhyamik Examination. The West

Bengal Board of Secondary Education (in short the Board) issued Admit Card in the name of Suman Sarkar son of Anarul Haque. The registration

certificate issued by the Board also bears the same name. The petitioner passed the Madhyamik Examination. The certificate issued by the Board also

bears the name Suman Sarkar and so does the mark-sheet issued by the Board.

After attaining majority, the petitioner decided to change his name to Suman Dutta by adopting his mother's surname. He accordingly, affirmed

several affidavits in the court of 1st Class Judicial Magistrate at Barasat on 9th January, 2013, 17th January, 2013 and 16th September, 2014. He also

issued public notice in the Bengali daily newspaper 'Aajkal' on 17th February, 2013 to the effect that he had changed his name to Suman Dutta

and henceforth, he will be known by that name. He converted himself from

Muslim to Hindu by following prescribed ritual under the auspices of Bharat Sevashram Sangha which issued a certificate to that effect on 10th September, 2014. He also issued notice in Kolkata Gazette dated 25th September, 2014 to the effect that he had changed his surname from Sarkar to Dutta.

The petitioner subsequently applied to the Board for correcting his surname in the Admit Card, Registration Certificate, Madhyamik Certificate and

Mark-sheet and issuing afresh documents with the corrected surname. Such application has been rejected by the Board by an order dated 4th June,

2018 which is the subject matter of challenge in the present writ application. I have carefully considered the documents, which the petitioner has

annexed to the writ petition in support of his prayer for directing the Board to correct his name in the certificates/mark-sheets issued by the Board.

Apart from the documents referred to above, the petitioner has also annexed a copy of an affidavit affirmed by his father, Anarul Haque stating that

Suman Dutta is his son and that his name earlier was Suman Sarkar as recorded in the educational papers and documents. He affirmed such affidavit

to support the petitioner's application to the Board for correcting the petitioner's surname in the educational papers and documents. The PAN

Card, Aadhaar Card, Ration Card, all bear the name Suman Dutta, son of Joya Dutta. There is absolutely no confusion that Sumarn Sarkar and

Suman Dutta is the same person.

When a child is born, he is not in a position to give himself a name. A name is merely a means of identification. Normally, the parents or other family

members decide by what name the child is to be called. When the child grows up attains majority, he surely has the freedom to change his name, if he

wants to be known by some other name. Unless there is some oblique motive for changing his name, a person's name should be permitted to be

changed following due process. The petitioner has followed the due process and has changed his name from Sumar Sarkar to Suman Dutta.

I appreciate his anxiety that unless the name is corrected in the educational papers/documents, he is likely to face difficulties in the professional

career. I do not see how the Board will suffer any prejudice, if the Board issues fresh Admit Card, Registration Certificate, Madhyamik Pass

Certificate and mark-sheet. It is not the case of the Board that for any dishonest

purpose, the petitioner is seeking correction of his surname in the aforesaid educational documents.

Accordingly, I direct the Board to correct the surname of the petitioner from Sarkar to Dutta in the Madhyamik Admit Card, Registration Certificate,

Madhyamik Pass Certificate and Mark-sheet and issue the said documents afresh with the corrected surname. This exercise should be completed

within four weeks from the date of communication of this order to the Board. Since no affidavit has been called for, the allegations contained in the

writ petition are deemed not to be admitted. W.P. 13487 (W) of 2018 is accordingly, disposed of. Urgent photostat certified copy of this order, if

applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.