

(2022) 03 SHI CK 0091

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3880 Of 2020

Tulsi Ram And Others

APPELLANT

Vs

Central Board Of School Education And Others

RESPONDENT

Date of Decision : 29-03-2022

Acts Referred:

Citation : (2022) 03 SHI CK 0091

Hon'ble Judges : Tarlok Singh Chauhan, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : I.D. Bali, Virender Bali, Ritta Goswami, Komal Chaudary, VIR Bahadur Verma, Ashok Sharma, Rajinder Dogra, Vinod Thakur, Shiv Pal Manhans, Hemanshu Misra, Bhupinder Thakur

Final Decision : Allowed

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for the grant of following substantive reliefs:-

a. Direct the respondents Central Board of School of Education, Delhi to change the name of the petitioner No.2 in record from Kirti Kartik to Kirti Kartikeya and issue fresh/ corrected certificate of Secondary School Examination held in 2016.

b. Direct the respondent No.2 to change the name of the petitioner No.2 from Kirti Kartik to Kirti Kartikeya in record and issue fresh/ corrected certificate of Sen. Secondary School Examination(10 +2) held in 2019.

c. Direct the respondent No.3 to change the name of the petitioner No. 2 from Kirti Kartik to Kirti Kartikeya in its record.

2. The parties are ad idem that issue in question, is now, no longer res integra, in view of the judgment rendered by Three-Judge Bench of the Hon'ble Supreme Court in Jigya Yadav Vs. CBSE, 2021 (7) SCC 535, more particularly, the observations contained in para-194.1, which reads as under:-.

"194.1. Reverting to the first category, as noted earlier, there is a legal presumption in relation to the public documents as envisaged in the 1872 Act. Such public documents, therefore, cannot be ignored by the CBSE. Taking note of those documents, the CBSE may entertain the request for recording change in the certificate issued by it. This, however, need not be unconditional, but subject to certain reasonable conditions to be fulfilled by the applicant as may be prescribed by the CBSE, such as, of furnishing sworn affidavit containing declaration and to indemnify the CBSE and upon payment of prescribed fees in lieu of administrative expenses. The CBSE may also insist for issuing public notice and publication in the Official Gazette before recording the change in the fresh certificate to be issued by it upon surrender/return of the original certificate (or duplicate original certificate, as the case may be) by the applicant. The fresh certificate may contain disclaimer and caption/annotation against the original entry (except in respect of change of name effected in exercise of right to be forgotten) indicating the date on which change has been recorded and the basis thereof. In other words, the fresh certificate may retain original particulars while recording the change alongwith caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).

3. Accordingly, the present writ petition is allowed and the respondents are directed to carry out the change of name of petitioner No.2 in their record from Kirti Kartik to Kirti Kartikeya and issue fresh/corrected certificate of Secondary School Examination held in 2016 & Senior Secondary School Examination (10 +2) held in 2019, on payment of usual charges. The parties are left to bear their own costs.

Pending application(s), if any, shall also stand disposed of.