

(2004) 12 DEL CK 0091

In the Delhi High Court

Case No : Writ Petition (Civil) No. 17997 of 2004

Veera Angrish @ Veeranwali Shankar Angrish

APPELLANT

Vs

Central Board of Secondary Education

RESPONDENT

Date of Decision : 14-12-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 116 DLT 604 : (2005) 80 DRJ 715

Hon'ble Judges : C.K. Mahajan, J

Bench : Single Bench

Advocate : P.K. Dubey, for the Appellant; Atul Kumar, for the Respondent

Final Decision : Allowed

Judgement

C.K. Mahajan, J.

WP(C) No. 17997/2004

1. By way of this petition, the petitioner prays that respondent be directed to incorporate and give effect to the change in name of the petitioner from Veeranwali Shankar Angrish to Veera Angrish who had appeared and passed 10th and 12th Class Senior Secondary Board Examination conducted by the respondent vide Roll No. 6163784 of 2002 and 6243196 of 2004. It is further prayed that respondent be directed to issue certificate duly recording the aforesaid change in its record.

2. The petitioner is stated to have changed his name on 29th June, 2004 from Veeranwali Shankar Angrish to Veera Angrish. The petitioner passed the secondary and senior secondary examination conducted by the Central Board of Secondary Education in 2002 and 2004 respectively in his old name of Veeranwali Shankar Angrish and certificates for the same were issued by the respondent. After the petitioner got published the aforesaid change of his name in the Gazette, she applied to the respondent for making necessary changes in the certificates issued by it for his having passed the secondary and senior

secondary examination conducted by the Central Board of Secondary Examination. On this request being made, the respondent refused to make an entry on the ground that unless the order of the Court is received, it will not be possible for the respondent to make necessary changes in the certificates issued by them.

3. The petitioner along with the petition has filed copy of the newspaper as well as the Gazette of India dated 7th August, 2004 indicating that the petitioner had changed her name from Veerawali Shanker Angrish to Veera Angrish.

4. The petition is opposed by the respondent/CBSE. It is stated that under the relevant examination bye-laws, the change in name has to be admitted in the Court of Law. As the change of name is usually a disputed fact, it is established by seeking a declaratory decree by proving the factum of change of name. Publication in the Gazette is after the change in name, is permitted by the Court of Law. The petitioner has failed to comply with the requirements of the examination bye-laws of the Central Board of Secondary Education. Further the petitioner is not entitled to the relief claimed in the present petition as the petitioner had got her name changed in July/August, 2004 i.e. much after the certificates issued to her by the respondent in May, 2002 and May, 2004.

5. I have heard learned Counsel for the parties and documents on record.

6. A Division Bench of this Court in CWP No. 2103/94 decided on 19th May, 1994 had given a declaration regarding change of name of the petitioner in that case. The said decision was followed by a Single Bench of this Court in CWP No. 29/2001.

7. Following the aforesaid decisions of this Court, I allow the present petition and declare that the name of the petitioner stands changed from Veeranwali Shanker Angrish to Veera Angrish. The respondent/CBSE is directed to make necessary entries in the certificates issued to the petitioner to the effect that his name with effect from 7th August, 2004 stands changed from Veeranwali Shanker Angrish to Veera Angrish.