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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3267/2007**

% Date of decision : 25th November, 2009.

P.C.HOTA & ORS. Petitioner
Through Mr. Gyanendra Singh, Advocate.

versus

C.B.S.E. & ANR Respondent
Through Mr. Atul Kumar, Adv. for CBSE.
Mr. Manoj Kumar and Mr. Nitin
Sharma, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

1. The petitioner Nos.1 and 2 father and mother of the petitioner No.3 had moved an application dated 20TH December, 2006 with the respondent, CBSE for carrying out correction/change of their names in the certificates issued by CBSE. The petitioner No.3 had cleared the class-Xth examination in 2004 and class XIIth in 2006 and wanted change in names of the parents in the said certificates.

2. Along with the application, the petitioners had filed copy of the Gazette of India notification dated 23 to 29th September, 2006 for change of name. Father of the petitioner No.3 was earlier known as Pradip Chandra Hota @ Pradeep Hota and as per the Gazette of India notification he had changed his name to Pradip Hota. Mother of the petitioner No.3 was earlier known as Lipika Hota @ Ruby Hota and pursuant to the Gazette of India notification wanted to be known as Lipika Hota. In the records and as per the certificate issued by the CBSE, the parents of the petitioner No.3 were recorded as Pradeep Chandra Hota and Ruby Hota.

3. By the impugned order dated 12th January, 2007, the application of the petitioners was rejected on the ground that it was submitted after a period of two years.

4. Bye-law 69.1 of the examination bye-laws of 1995 is applicable to the present case. The said Bye-law permits correction in name/surname in the form of spelling errors, factual errors, typographical errors. The said bye-law also permits change in name which includes alteration, addition, and deletion to make it different from the school records. However, sub clause (iv) of the said Bye-law stipulates that change in name/surname would be considered in cases where such changes had been permitted by a Court of

Law and notified in a Government Gazette.

5. By-law No.(ii) relied upon by the CBSE is for correction of name or surname, for which application is required to be made within two years.

The said Bye-law will not apply to change of name. In the present case, the petitioners have applied for change of name and not for correction. It is not a case of the petitioners that names of the parents of the petitioner No.3 were wrongly mentioned and corrections are required to be made. The petitioners had applied for change of name as they wanted to be known as Pradip Hota and Lipika Hota though they were earlier known as Pradeep Chandra Hota and Ruby Hota.

6. In view of the aforesaid, the present writ petition is allowed with directions to the respondents to make necessary changes. The petitioner will surrender the original certificate and mark sheets for making necessary changes in the names. It is clarified that this case has been examined in the light of the then existing Examination Bye-laws, when the petitioners had filed the application for carrying out necessary changes. This decision may not be applicable w.e.f. 29th June, 2007. No costs.

SANJIV KHANNA, J.

NOVEMBER 25, 2009
NA/P