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

% *Decided on: 19th May, 2023*

+ W.P.(C) 10561/2018

SADANAND AND ANR. Petitioners

Through: Mr. T. Sudhakar, Advocate
(M:9502497979)

versus

CENTRAL BOARD OF SECONDARY EDUCATION AND
ORS. Respondents

Through: Mr. Ashok Kumar, Ms. Chhavi
Arora, Advocates for R-
1/CBSE (M:9810011826)
Mr. Santosh Kr. Tripathi, SC-
GNCTD with Mr. Arun
Panwar, Mr. Kartik Sharma,
Mr. Utkarsh Singh, Advocates
(M:9818112205)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed by two brothers under Article 226 of the Constitution of India seeking quashing and setting aside of the letter dated 01.06.2017 issued by the Central Board of Secondary Education (CBSE), thereby refusing to change the name of father of the petitioners in their 10th and 12th Board Certificates as issued by the CBSE.
2. Name of the father of the petitioners in their Class 10th and 12th Certificates issued by the CBSE, is reflected as 'Lakshman Mochi'.



3. It is the case on behalf of the petitioners that their father decided to change his surname from 'Mochi' to 'Nayak' due to caste atrocities suffered by him on day to day basis, based on his surname. Thus, petitioners' father published a note in newspaper informing about change of his name from 'Lakshman Mochi' to 'Lakshman Nayak' for all future purposes. Thereafter, their father's name was changed from 'Lakshman Mochi' to 'Lakshman Nayak', as published in the Gazette of India.

4. Thereafter, the aforesaid change was also reflected in the various public documents in favour of the father of the petitioners. Thus, name of the father of the petitioners is reflected as 'Lakshman Nayak' in the Adhaar Card, PAN Card as well as Identity Card as issued by the Election Commission of India. All the aforesaid documents have been duly placed on record before this Court.

5. In view of the aforesaid, the petitioners applied for change of their father's name in the 10th and 12th Certificates as issued by the CBSE. However, the same was rejected by the CBSE by the impugned letter dated 01.06.2017. Thus, the present writ petition has been filed.

6. On behalf of respondent CBSE, it has been contended that the change in the surname of the petitioners would entail change in the caste of the petitioners, which could be misused. It is further contended that the petitioners are seeking change of their father's name, which is beyond the records of the school and is not permissible.

7. I have heard ld. Counsels for the parties and have perused the



record.

8. As per the facts which are manifest from the documents on record, the petitioners belong to Scheduled Caste. The word 'Mochi' is a caste name within the larger cobbler community dealing with leather and more particularly with footwear. 'Mochi' became surname of father of the petitioners owing to the work being carried out by the family to which the petitioners belong.

9. Owing to the social stigma attached, the father of the petitioners changed his surname. Thus, in order to overcome the social stigma and the disadvantage faced by the petitioners on account of their surname, the petitioners applied for change of their father's name in the Class 10th and 12th Certificates as issued by the CBSE.

10. The denial by the CBSE for carrying out the requisite change in the certificates of the petitioners, is totally unjustified. It is to be noted that the petitioners have every right to have an identity which gives them an honourable and respectable identity in the society. If the petitioners have suffered any disadvantage on account of their surname and have faced social prejudices due to the same, they are certainly entitled to change of their identity that gives respectability to the petitioners in the societal structure.

11. The Right to Identity is an intrinsic part of Right to Life under Article 21 of the Constitution of India. There is no denying the fact that Right to Life includes within its ambit, the Right to Live with Dignity, which includes not to be tied down by any casteism that a person may face on account of the caste to which such person belongs. Thus, if a person wants to change his or her surname, so as not to be



identified with any particular caste that may be a cause of prejudice to such person in any manner, the same is permissible.

12. In the present case, the court notes that the father of the petitioners has already carried out the change in his surname by way of publication in Gazette Notification. The new surname as adopted by father of the petitioners is duly reflected in the various public documents issued by Government agencies in favour of father of the petitioners. Therefore, there is no justification in not allowing similar change in the 10th and 12th CBSE Certificates issued in favour of the petitioners, to reflect the correct name of their father.

13. Therefore, the CBSE is directed forthwith to carry out the requisite changes in the 10th and 12th Certificates of the petitioners to reflect the name of their father as 'Lakshman Nayak' instead of 'Lakshman Mochi'. The CBSE is at liberty to requisition any documents that may be required for the purposes of carrying out the aforesaid rectification, including perusing the original documents in favour of the father of the petitioners viz. Adhaar Card, PAN Card and Identity Card as issued by the Election Commission of India.

14. However, with a view to allay the concerns as raised on behalf of the CBSE, it is clarified that the change in the surname of the petitioners in the CBSE Certificates, shall entail only change in the name of their father. The said change shall not entail change of caste of the petitioners, for the petitioners to take advantage of any reservation or any other benefit that may be available to the 'Nayak' caste/surname.

15. In view of the aforesaid, the rectified certificates, as issued by



the CBSE, shall mention the details of the present case, clearly mentioning that rectified certificates have been issued pursuant to orders passed in the present case.

16. Consequently, the letter dated 01.06.2017 issued by the CBSE is quashed.

17. The present writ petition is disposed of with the aforesaid directions.

MAY 19, 2023

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MINI PUSHKARNA, J

नात्यमेव जयते