



2024:DHC:7349



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

Reserved on: 05.09.2024

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Pronounced on: 23.09.2024

+ **W.P.(C) 9430/2023**

SHWETA

.....Petitioner

Through: Mr. I.S. Dahiya, Mr. Ankit Dedha, Ms. Priyanka S. Aneja and Mr. Anil Kumar, Advocates (appeared through VC) alongwith petitioner in person

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ANR.Respondents

Through: Mr. Atul Kumar and Ms. Aditi Gupta, Advocates for R-1/ CBSE
Mr. Sameer Singh & Ms. Neelam Singh, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

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SWARANA KANTA SHARMA, J.

1. The present case conveys an emotional journey and quest of a daughter to have her biological mother’s name entered in the official records.

THE FACTS

2. The story begins in Sonipat, where the parents of the petitioner married in 1990, and shortly after, on September 17, 1991, she was born from this union. Her biological father, Sh. Dharampal Sangwan, and her mother, Smt. Santosh Kumari, were once a family, as documented by her birth certificate. However, marital discord led to a separation when she was just a year old. As per her pleadings, her father had forcibly taken her custody, against her mother's wishes, when she was only an infant.

3. She grew up under her father’s care, and on March 28, 2000, she was enrolled by him at Dyal Singh Public School, Sector-7, Karnal. Her father had filled the school’s admission form, and in the column designated for the mother's name, he had written ‘Santosh



Sangwan' who is her biological mother. This admission form has been filed on record.

4. The separation of her parents received an official seal when her parents got divorced on July 19, 2001, following a decree issued by the Additional District Judge at Karnal, Haryana. Soon thereafter, in 2002-2003, her father had remarried Ms. Kamlesh. Unfortunately, life took another unpleasant turn later, when she grew older, since as per her claims in the petition, she was treated poorly by her stepmother and biological father.

5. By May 29, 2008, she had completed her 10th-grade education from the Central Board of Secondary Education ('CBSE'). Her name was recorded as 'Shweta Sangwan' in the 10th-grade certificate and her father's and mother's names were listed as Dharampal Sangwan and Kamlesh Sangwan. With the petition, she has provided a copy of her 10th-grade certificate.

6. The petitioner further states that as she entered adulthood, her desire to reconnect with her biological mother intensified. In 2008, she re-established contact with her mother, Smt. Santosh Kumari, and decided to leave her father's home, allegedly due to the ill-treatment at the hands of her stepmother and biological father that she had endured over years.

7. She claims that she had continued her education, and had appeared in her 12th-grade examination conducted by CBSE. This time, in the mark sheet dated May 23, 2011, her name was entered as 'Shweta' with her father's name entered as 'Sh. Dharampal' and her



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mother's name as 'Smt. Santosh Kumari'. She has filed the certificate of 12th Standard issued by CBSE to substantiate her claims.

8. She, in the meantime, claims that she was overcome with desire to have her biological mother's name recorded against her name in her certificates of education, which will further ensure that in her future endeavors, the same name is reflected. As a first step towards the same, on May 21, 2014, she had published a notice in the newspaper Deccan Herald, declaring that her correct name was Shweta, and her parents' names were Sh. Dharampal and Smt. Santosh Kumari. The notification in the Gazette of India, published on 26.07.2014, reiterated her correct details, as per requirement of law. It is alleged by the petitioner that despite her efforts, these declarations failed to get her name and parental name changed in the certificates issued by CBSE.

9. Supported by her mother, Smt. Santosh Kumari, the petitioner herein pursued higher education, earning a B.Tech degree from Maharishi Dayanand University, Rohtak, in 2018, and later a B.Ed degree from the same university in 2022. However, her quest for a professional career was allegedly hindered by the discrepancies in her educational documents, particularly her 10th-grade certificate issued by CBSE, where her name and her mother's name remained incorrectly recorded.

10. She wrote letters to respondent no. 2 i.e. Dyal Singh Public School, requesting it to rectify the errors in their records, especially to carry out the correction in the name of her mother. The School, however, did not take any action in this regard. The petitioner had



also approached the CBSE on 18.10.2021, and again on 22.05.2022, but her representations remained unanswered.

11. Now, she seeks justice through the present writ petition. She has petitioned the Court, requesting the issuance of a writ of mandamus to obtain the admission, examination records from the school and issuance of direction to CBSE to correct her name to 'Shweta' instead of 'Shweta Sangwan', her father's name to 'Sh. Dharampal' instead of 'Sh. Dharampal Sangwan', and her mother's name to 'Smt. Santosh Kumari' in her official documents.

12. This is not just a legal battle, but a personal one—a daughter's fight to be rightfully recognized as the child of her biological mother, and to finally set the record straight, which has been changed by her biological father after his re-marriage to Smt. Kamlesh.

SUBMISSIONS BEFORE THIS COURT

Submissions on Behalf of the Petitioner

13. Learned counsel appearing on behalf of the petitioner argues that the petitioner has been unjustly deprived of her right to be recognized by her correct identity in official records, and the facts clearly establish a legitimate claim for the necessary corrections in her educational certificates and other documents. It is also argued by the learned counsel that the petitioner's biological parents, Sh. Dharampal Sangwan and Smt. Santosh Kumari, were legally married, and the petitioner was born out of this wedlock on 17.09.1991. The birth certificate, a fundamental document of identity, unequivocally confirms that Smt. Santosh Kumari is the petitioner's biological



mother. It is thus contended that any deviation from this fact in subsequent records is erroneous and needs immediate rectification.

14. Learned counsel further emphasizes that due to the unfortunate breakdown of her parents' marriage, the petitioner's custody was forcefully taken by her father while she was still an infant. Her mother's absence during these years and father's remarriage to another woman led to the incorrect documentation of the petitioner's identity. It is argued that her father, who enrolled her in the School, not only misrepresented the petitioner's surname but also wrongly attributed the name of his second wife, Smt. Kamlesh, as her mother in her 10th-grade certificate, which is a misrepresentation that has caused significant harm to the petitioner. It is submitted that the error in the 10th-grade certificate issued by CBSE has materially impacted the petitioner's life, particularly in seeking employment. The mismatch of names in her official records has led to confusion, misidentification, and unwarranted challenges in professional and personal capacities.

15. It is further submitted that despite the petitioner's repeated efforts to correct the errors through proper channels, including formal letters to her school and the CBSE, the authorities have been negligent in addressing the discrepancies. The school and CBSE have failed in their duty to verify the correct information at the time of form submissions, which has resulted in this prolonged injustice. It is argued that the petitioner, having taken reasonable steps, such as publishing corrections in the Deccan Herald and the Gazette of India, has demonstrated a clear intent to rectify the situation. It is stated that



under the law, the individuals are entitled to have their correct identity reflected in official records. It is submitted that the petitioner's right to have her correct name and parentage recorded is fundamental and constitutionally protected under Articles 14 and 21 of the Indian Constitution, which guarantee the right to equality and the right to life, including the right to dignity and identity.

16. Therefore, it is argued on behalf of the petitioner that a writ of mandamus be issued, directing the CBSE and the School authorities to correct the petitioner's name to 'Shweta', her father's name to 'Sh. Dharampal' and her mother's name to 'Smt. Santosh Kumari' in her 10th-grade certificate and other relevant records.

Submissions on Behalf of the CBSE

17. Counter-affidavit was filed on behalf of respondent no. 1/ CBSE, wherein it was stated that the present petition is barred by the principles of delay and laches. It is argued on behalf of the CBSE that the petitioner is allegedly seeking correction in her name and in the name of her parents in the certificate of Class 10th issued to her on 29.05.2008 and that she had approached the CBSE in 2021 for the alleged corrections in the certificate issued in 2008, despite being fully aware of the record relating to the examinations held in 2008 and thus, there is a substantial delay on the part of petitioner in approaching the Court.

18. It is submitted on behalf of CBSE that the prayer regarding the alleged correction in the name of the mother is not a simple prayer for correction but for "change of mother of the petitioner". It is stated



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that Smt. Kamlesh Sangwan, the name of the mother mentioned in the Certificate dated 29.05.2008, and Smt. Santosh Kumari are two different persons. It is stated that in a writ jurisdiction, the Court cannot change the mother of the petitioner. It is stated that Smt. Kamlesh Sangwan and Smt. Santosh Sangwan are thus necessary and proper parties to the writ petition and this petition is liable to be dismissed on the ground of not impleading the necessary and proper parties.

19. It is stated that the petitioner, Shweta Sangwan, was a student at Respondent No. 2 school and had appeared for her Class 10th examination in 2008, and the petitioner herself had admitted that the marriage between her biological parents, Sh. Dharampal Sangwan and Smt. Santosh Sangwan, was dissolved by a decree of divorce dated 19.07.2001. It is contended that the petitioner's admission form in the respondent School, dated 28.03.2000, recorded her biological father's name as Sh. Dharampal Sangwan, who had later remarried Smt. Kamlesh Sangwan, and the petitioner herein had resided with them. Thus, the School had updated its records to reflect the name of the petitioner's stepmother, Smt. Kamlesh Sangwan, as her mother. It is contended that these details were consistently reflected in both the registration form and the list of candidates for the Class 10th examination submitted by Respondent No. 2, and were duly recorded in the CBSE-issued certificate. It is stated that the petitioner subsequently passed her Class 12th examination as a private candidate in 2011, where her biological mother's name, Santosh Kumari, was recorded.



20. It is argued that while the petitioner contends that she began living with her biological mother in 2009, she did not take any steps to rectify the names in her Class 10th certificate until 2021. It is further submitted that though she issued a public declaration to change her name in 2014, she did not seek any correction in her Class 10th certificate at that time. It is contended by CBSE that the petitioner cannot seek to change her name or the names of her parents in the Class 10th certificate as there was no error in the original registration, and the names were correctly recorded in accordance with school records. It is finally submitted that the petition lacks merit and should be dismissed, as the petitioner has no legal right to demand amendments to her Class 10th certificate contrary to CBSE's by-laws.

Submissions on Behalf of the School

21. Learned counsel appearing on behalf of the respondent no. 2/School has placed on record the documents pertaining to the petitioner and her school records, to contend that the School has written several letters to the CBSE and submitted all the relevant documents in past, in order to ensure that grievance of the petitioner is resolved, however, the CBSE has failed to take any action in this regard.

22. This Court has **heard** arguments addressed by both the sides, and has perused material available on record.



ANALYSIS & FINDINGS

23. In a nutshell, the petitioner herein seeks correction of her name and her biological mother's name in her 10th-grade certificate and other educational records. Born on 17.09.1991 to Sh. Dharampal Sangwan and Smt. Santosh Kumari, the petitioner was separated from her mother at a young age due to her parents' marital discord. Her father, after remarrying, had entered the name of his second wife, Smt. Kamlesh, as the mother of the petitioner in her school and consequent CBSE records. Later, despite her best efforts to substitute the name of her biological mother as against her step mother in the official records, especially her 10th-grade certificate, by way of filing formal requests and publishing gazette notifications as per law, no action has been taken by the authorities to change her name and the name of her mother in the official record.

24. She now seeks issuance of a writ of mandamus to have her correct name and parentage reflected in her official documents, citing the negative impact these discrepancies have had on her ability in securing employment

25. **In this Court's opinion**, the record of the case reveals that there is no dispute that the petitioner's biological mother is Smt. Santosh Kumari and her biological father is Sh. Dharampal Sangwan. This case arises from the unfortunate circumstances surrounding the marital discord between the parents of the petitioner, which led to their divorce when the petitioner was just one year old. Following the separation, the petitioner's custody was taken by her father, leaving her separated from her biological mother during her childhood. The



decree of divorce is undisputed, as is the fact that the petitioner now resides with her biological mother, Smt. Santosh Kumari. It is also undisputed that she had been staying with her biological father and stepmother till she was studying in 10th standard.

Balancing Legal Rigor with Compassionate Justice

26. This Court, while adjudicating the present petition, notes that every case cannot be decided solely on the rigid construction of law, without considering the underlying facts and the reasons that bring the petitioner before this Court. While the **letter of the law** provides a necessary framework for justice, the **true essence of fairness** often lies in examining the specific circumstances of each case. Courts exist not only to apply laws but to ensure that **justice is done in a way that is responsive to the particular needs of the litigant who is not a file but a human being.**

27. **Members of the community often approach the Courts seeking relief based on unique and sometimes deeply personal struggles, and these facts cannot be overlooked in the name of rigid legal formalism.**

28. It is the duty of the Court to **balance** the application of law with compassion, understanding, and a thorough examination of the facts, so that **justice serves not only the law but also the people for whom the law was created.**

29. In case, no relief is granted, due to a strict interpretation of the laws, rules and regulations, the petitioners who are before the Court, facing peculiar circumstances due to unforeseen troubles of life, will



be left without any remedy. The facts of the present case present such a situation.

Through Judicial Discretion: Overcoming the Barriers of Rigid Law

30. This Court is also of the firm opinion that, windows of Hopes are often opened which seem, left shut due to rigidity of law and administrative insensitivities and the Courts have to live up to the constitutional morality to fulfill the real intent of law and reach and serve those for whom the constitution has fundamental rights.

31. This case presents an unusual situation where the stepmother's name was recorded while filling the registration details for Class 10th CBSE examination, primarily because the petitioner, at the said point of time, was living with her biological father and stepmother under an arrangement made between her biological parents after their divorce. The petitioner, however, now seeks to have her biological mother's name correctly reflected in official records, especially the Class 10th certificate. The stand of respondent no. 1/CBSE is that the existing bye-laws do not permit amendments to a candidate's parental names, once the form has been filled and an incorrect name is entered therein. However, a rigid application of the regulations in such a **unique and personal circumstance would result in unfair denial of justice to her which may seem trivial to some, however, may mean the world to a daughter seeking to be recognized by the name of her biological mother. To deny this right to her as a daughter would lead to denying her right to be known by the**



name of the mother who brought her to the world. The emotional trauma or distress even an adult may face may be equivalent to a trauma experienced as if one is still a child, as in the present case, the adult daughter feels as if she is still a child who wants to be known by the name of her mother. This Court has to grant her this relief since it is her right to be known by the name of her biological mother and the law in case it denies her this relief will be doing gross injustice to her, not as a member of the community but also as an adult daughter, who still has that child in her who loves her mother and recognizes her as one who has given her the ability to stand on her feet and fight for herself.

32. The Courts have a duty to come to the aid of individuals who approach them, especially when exercising their discretion under Article 226 of the Constitution of India. This constitutional provision empowers the High Courts to issue writs, ensuring that justice is done in cases where legal or administrative actions have failed to address a genuine grievance. The **true exercise of this discretion** involves looking beyond rigid legal frameworks to address unique and personal circumstances, as well as ensuring that injustices that might otherwise persist are addressed. It is the responsibility of the courts to uphold not just the letter of the law, but its spirit, offering relief where **formalistic interpretations would result in unfairness**. Courts must ensure that individuals, like the petitioner, are not left without remedy in their pursuit of justice, particularly when **procedural limitations or administrative errors** hinder the correction of genuine mistakes.



33. This Court is of the firm opinion that **when the doors of rigid interpretations close, it is the courts' discretion that opens windows of hope for those left remedy-less.**

Justice and Identity: The Necessity of Accurate Representation in Personal Records

34. To reiterate, in this case, the petitioner, an adult daughter, has expressed her desire to have her biological mother's name reflected in her official records. This is not merely a legal formality but a matter of personal choice, identity and dignity. Given the petitioner's circumstances, where she was allegedly ill-treated by her biological father and stepmother, and she ultimately was able to reunite with and be raised by her biological mother, it would be unjust to deny her this right.

35. In a democratic society that upholds the legal rights of every citizen, the petitioner must be allowed to have her biological mother's name recorded in her official records. The petitioner has been cared for and nurtured by her biological mother after she was allegedly forced to leave her biological father's home due to ill-treatment by him and her stepmother. Her biological mother Smt. Santosh thereafter, single-handedly supported her, and today the petitioner is a qualified Engineer. Denying this relief would burden her with an unnecessary psychological stress, forcing her to live with the name of her stepmother, who does not reflect the truth of her familial and emotional life.



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36. Therefore, this Court, recognizing the petitioner's legitimate right to have her identity being connected with that of her biological mother by way of her **voluntary choice**, and understanding the unique circumstances of her **roller coaster life**, cannot overlook the emotional and psychological weight attached to this issue. This Court cannot leave the adult daughter living with a psychological burden of seeing the name of her stepmother, where her own biological mother has been raising her after the second marriage of her biological father. The petitioner's request is both reasonable and justifiable, and the law must ensure that her records reflect her rightful lineage, providing her with the peace and dignity she deserves.

37. This Court has perused the letter dated 26.07.2021, written by the biological mother of the petitioner and the petitioner jointly, for issuance of CBSE Class 10th candidate list, and details of parents' name, as per school record, pertaining to the petitioner, which has been reproduced hereunder:



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Santosh Kumari
House No. 11 , Type-3 Quarters
Netaji Subhas University of Technology
Sector-3, Dwarka,
New Delhi – 110078

PF/Namechange/ 07 / 2021 26 Jul 2021

To,
The Principal,
Dyal Singh Public School, Sector 7,
Karnal, Haryana- 132001.

**APPLICATION FOR ISSUE OF CBSE CLASS-10TH CANDIDATE LIST AND
DETAILS OF PARENTS NAME AS PER SCHOOL RECORD IN RESPECT OF MISS SHWETA SANGWAN**

Dear Sir/Madam,

1. Most respectfully, I wish to state that my daughter Shweta Sangwan was a student of your esteemed school from Class 4th to Class 10th till March 2008.

2. Though I was her biological mother, she was staying with her father Mr Dharam Pal Sangwan and her step mother Smt. Kamlesh Sangwan, consequent to my divorce with Mr Dharam pal vide District Court Karnal.

3. At present my daughter Shweta is staying with me at Delhi since March, 2008. However her CBSE Class 10th certificate and Marks Sheet wrongly shows her mother's name as Kamlesh Sangwan, who was actually her step mother and the same needs to be corrected.

4. In order to change the name of mother from Smt Kamlesh Sangwan to my name (Santosh Kumari) I need the following documents from your school: -

(a) Extract of Candidate List forwarded by the school to CBSE for her Class 10th Board Exams in 2008

(b) Name of Father and Mother as shown in your school records.

5. I will be highly obliged if the above documents duly stamped and signed by the principal, may be sent to me by email.

Thanking you.

Yours faithfully,

(Signature of Miss Shweta
D/o Santosh Kumari
Dated- 26 Jul 2021

(Santosh Kumari)
Mother of Miss Shweta
Dated- 26 Jul 2021

38. It is also noted that even the Respondent no. 2 School has filed on record, the admission form of the petitioner herein, and a typed copy of the same shows that when the petitioner was admitted in the School, the name of the mother in the admission form is written as Smt. Santosh Sangwan. The same has been reproduced as under:



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ADMISSION FORM
DYAL SINGH PUBLIC SCHOOL
SECTOR-7, KARNAL
(Under the Management of Dyal Singh College Trust Society, Karnal)

ADMISSION TO
CLASS -IV

Photo of
Ms. Shweta

1. NAME (Capital Letters) MASTER/MISS __ SHWETA SANGWAN
2. Date of Birth (Words) __ Seventeen .Sept . Ninty . One(Figures) _17-9-91.(Please attach the S.L.C. or certified copy of Birth certificate).
3. Name of School last attended with year and class __SHEKHPURA KHALSA Sr. Sec. School RAILWAY ROAD, KARNAL __ (Please attach the certificate of detailed marks)
4. Special interests/achievements. (a) Sports __ Badminton _
(b) co-curricular Activities __ Dancing, Drawing , Painting etc. _
5. Father's Name(Capital Letter) _____ Sh.D.P. SANGWAN _
(i) Academic Qualifications __ POST- GRADUATION _
(ii) Profession: Service , Business, Self- employed

39. It is also observed that even in the original birth record, with the registration no. 3110, issued on 23.12.1999, issued by the Health Department of Haryana Government, Municipal Council Karnal (local area), Tehsil District, Haryana, the name of the biological mother has been shown as Smt. Santosh. The same has been reproduced as under:



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FORM NO. 9

(SEE RULE 9)

Haryana Government,
Health Department.

Under Section 12

Birth Death Registration -----Certificate issued 1969.

Under Section 17

This is to certify that the following information has been taken from the Original record of Birth. Which is in the register of Municipal Council Karnal (Local Area) Tehsil Karnal District ,Haryana.

Name _Shweta_ Boy/ Girl _ Girl _

Date of Birth _ 17/09/91 _ Registration Number _ 3110

Place of Brith _Renu Hispital Karnal Date of Registration
24/09/91_

Name of the Father / Mother _Dharpal Sangwan / Santosh_

Permanent Address Mother/ Father _ 1049/6 Urban Estate Karnal _

Nationality of Father/ Mother _ Indian _

Date _23/12/99_ Signature of Issuing officer _

T.T.C

(21)

Date of Birth (In Words) _ 17th September Nineteen Hundred Ninety
One _

The above quotation is certified to be correct as per Indian Evidence Act
Section 76 .

Registrar Birth / Death



40. This Court further notes that the Admission and withdrawal register of the Respondent no. 2 School also reveals that the name of the mother of the petitioner has been recorded as Smt. Santosh Sangwan, i.e. the biological mother of the petitioner, which has been reproduced as under:

Date of admission	Admission no.	Name of student	Father's Guardian's name	Mother's name	Date of Birth by Christian ERA in Words & Figures	Occupation	Present Residential Address	Telephone no.	Tribes or Caste	Class to Which admitted	Grade of Tuition Fee	Caution of Money	Class of withdrawal	Date of withdrawal	Remarks
28/03/03	2078	Abhishek Rathor	Dr. Krishan chand	Mrs. Reshma devi	28-11-87	Service	185/7 Karnal			XII					
11/04/2000	3080	Ankit Choudhary	Mr. Daljit Singh	Mrs. Santosh Devi	15-03-91	Self	V.P.O. Sharnghurh Distt. Karnal			IV					
26/04/2000	3081	Manject	Sh. RajSingh	Mrs. Kaushalaya	30-06-91	Self	H.No.21 Sect. 8. Karnal			IV					
18/04/2000	3082	Ela	Mr. Raj Kapoor	Mrs. Anita	21-11-93	Service	H.No.4 Huda city Sec.6 Karnal			IV					
29/03/2000	3083	Shweta Sangwan	Sh.D.P. Sangwan	Smt. Santosh Sangwan	17-09-91	Service	H.No. 1049, Sec.6 UE Karnal			IV					

41. *Vide* letter dated 18.04.2024, the Principal of the School had informed CBSE that they were unable to trace the letter, tendered by the biological father of the petitioner herein, for the change of the name of the mother.

42. It is noted that Respondent no. 3 i.e. Sh. Dharampal Sangwan was impleaded as a party *vide* order dated 18.07.2023 by this Court. Amended memo of parties was filed on 25.07.2023. It is also noted by this Court, that the father of the petitioner didn't appear even once despite service.



43. Having observed so, this Court's attention has also been invited to paragraph no. 8 of the counter-affidavit filed on behalf of respondent no. 1/ CBSE, which reads as under:

8. I say that the prayer regarding the alleged correction in the name of the mother is not a simple prayer for correction but for change of mother of the Petitioner. It is submitted that Smt. Kamlesh Sangwan, the name of mother mentioned in the Certificate dated 29th May, 2008 (annexure P-4 to the writ petition) and Smt. Santosh Kumari are two different persons. This Hon'ble Court in its writ jurisdiction will not change the mother of the Petitioner. I submit that Smt. Kamlesh Sangwan and Smt. Santosh Sangwan are thus necessary and proper parties to the writ petition. The writ petition is thus liable to be dismissed on the ground of not impleading the necessary and proper parties.

44. In this regard, it is observed that it is truly absurd that CBSE is opposing the present petition purely for the sake of formality and raising absurd grounds. The primary duty of the Board is to serve the people and facilitate justice, not to create unnecessary barriers. In this case, there is no valid reason for such opposition, especially when the documents presented clearly support the petitioner's claims. It is strange that CBSE suggests that the writ petition and prayers therein amounts to changing the mother. To quote again, the counter



affidavit specifically states that the prayer regarding the alleged correction in the name of the petitioner is not a simple prayer for correction but rather a prayer for the change of the mother of the petitioner, and further the CBSE has submitted in its counter affidavit that the stepmother of the petitioner i.e. Smt. Kamlesh and the biological mother of the petitioner i.e. Smt. Santosh Kumari are two different persons and this Court in its writ jurisdiction will not change the mother of the petitioner. On a plain reading of such submissions in the counter affidavit, the same need to be rejected outrightly since it is beyond understanding as to how seeking the name change of the mother will mean changing the mother itself, when the record is before the Court as to who the biological and stepmother of the petitioner is.

Fundamental Right To Have One's Identity Linked With One's Biological Mother

45. **This Court is of the firm opinion** that as a Court of law, this Court is **people's Court** to serve the community. Therefore, when a Court is endowed with the discretion under Article 226 of the Constitution of India **it will be its duty to juxtapose law with the unique personal struggles of a litigant in the event the circumstances of the case so require for effective and real justice.**

46. It is to be noted that the petitioner, as a child, was admitted in the School by the biological parents of the petitioner. Their names were correctly mentioned in the admission record. Unfortunately, the parents got divorced later. The child was in the custody of biological



father, who chose to remarry and got married to Smt. Kamlesh Sangwan. He had changed the name of the mother of the child to Smt. Kamlesh Sangwan. This Court questions as to **where was the fault of this child, who was in secondary school, when her father unilaterally changed** the name of her biological mother and substituted it with that of her stepmother. **At such a tender age, the petitioner had no control over the decisions made by her parents, especially during a tumultuous period of familial discord. The child was navigating her own challenges, while the adults in her life made choices that would have profound implications on her identity and sense of belonging.** The unilateral alteration of her mother's name in official records not only disregarded her relationship with her biological mother but also imposed an emotional burden on her, as she was left to grapple with the ramifications of decisions made without her consent. It is **fundamentally unjust** to hold her accountable for the outcomes of the conflicts of adults in her life. The petitioner deserves recognition of her true familial ties, free from the complications introduced by her father's actions, which were beyond her influence or understanding at that point of time.

47. **As a Court of Writ Jurisdiction,** this Court has to go beyond and see the societal pressure or the peculiar unfortunate circumstances, this girl who was not an adult, would have found herself in when her parents were divorced. After her parents got divorced, she was living with her stepmother and biological father, and would not have had any option or any say, when her father



changed her mother's name, and substituted it with the name of her stepmother.

48. **Unfortunately**, it was not the child at that stage, who could have done anything about it, as she was at the mercy of her stepmother and her biological father, who did not appear in the Court, despite summons to support his daughter, for a valid cause, where she only wanted that the name be corrected, which was correctly mentioned originally at the time of admission in the school.

CONCLUSION

49. **To conclude, this Court holds** that it is the **quest** of Shweta, to link her identity with her biological mother, who has given birth to her, and who has been raising her single handedly since she joined her back after completing her secondary education and with whom she feels connected to. It can be understood as to how strongly she feels that her identity should be joined and be reflected even on the pieces of paper, which are so valuable in the Indian context, for her career and future courses, that her name will be reflected, known and identified with the name of the woman, who brought her to this world.

50. In light of the above observations, this Court finds that the petitioner's request for the correction of her biological mother's name in the Class 10th certificate issued by CBSE, is both reasonable and just. Further, this Court is of the opinion that the petitioner's request to change her name from 'Shweta Sangwan' to 'Shweta,' i.e. to remove her surname, is also justified. The petitioner has expressed



her desire not to be identified by her father's surname, possibly, and understandably, due to the marital discord between her parents and the fact that her father has since remarried. The petitioner is now residing solely with her biological mother and is estranged from both her father and stepmother. Given these personal circumstances, the Court is of the view that the petitioner should have the autonomy to define her identity as she deems appropriate..

51. However, as far as the petitioner's prayer to change her father's name from Sh. Dharampal Sangwan to Sh. Dharampal is concerned, this Court finds no valid basis for directing such a change. The records clearly indicate that the correct name of the biological father of the petitioner is Sh. Dharampal Sangwan. This Court is of the considered view that the father has the right to be known by his complete and proper name, and the petitioner does not have the *locus standi* to alter this aspect of his identity. Therefore, this prayer is liable to be rejected.

52. **Accordingly**, the petition is partly allowed. The respondent no. 1/CBSE is directed to correct the petitioner's name from '*Shweta Sangwan*' to '*Shweta*', and her mother's name as '*Smt. Santosh Kumari*' (who is her biological mother), in the Class 10th certificate, within a period of one month from the date of this order.

53. The journey of Shweta's writ petition thus ends on a positive note, permitting her to have her identity of being known as daughter of her biological mother, Smt. Santosh Kumari.

54. In view of the above, the present petition along with pending application stands disposed of.



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55. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
SEPTEMBER 23, 2024/at