HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Reserved on: 01.09.2025
Pronounced on:11.09.2025

Case No.:- WP(C) No. 21/2025

Mohd. Hassan

…..Petitioner(s)

Through: Mr. Abid Khan, Advocate.

Vs

UT of J&K & ors

….. Respondent(s)

Through: Mr. B.S. Bali, Advocate for R-2 & 3.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. The petitioner, through the medium of the present petition, has challenged Order No. F(Certs-B) JD/2024 dated 24.12.2024 issued by respondent No. 3 whereby case of the petitioner for change of his name in the educational qualification certificates including High School and intermediate certificates has been rejected. The petitioner has further sought a direction upon the respondents to change his name from Raj Wali to Mohd Hassan in his educational qualification certificates including High School and intermediate certificates.

2. According to the petitioner, his original name was Raj Wali and the said name has been recorded in his educational qualification certificates including High School and intermediate certificates but he was seriously aggrieved of the said name as his friends used to make fun of his name. It has been submitted that the petitioner during his childhood could not effect change in his name as his parents were not willing to do so. Thus, the petitioner continued to study with the said name and accordingly, his name in the educational qualification certificates including High School and intermediate certificates is being reflected as Raj Wali s/o Mohd. Yaqub.

3. It has been pleaded that after the completion of graduation, the petitioner started the process of changing his name from Raj Wali to Mohd. Hassan. He applied to the Department of Publication, Ministry of Housing and Urban Affairs, Govt. of India for change of his name and submitted all the relevant documents and completed the requisite legal formalities, whereafter Notification dated 15.04.2023 came to be published in the Gazette of India in which it was declared that the petitioner has changed his name from Raj Wali to Mohd Hassan. After the publication of the changed name, his name was changed in other documents including Aadhar Card, Pan

Card, Voter ID Card, Driving Licence, Passport and Domicile Certificate.

4. After undertaking the aforesaid exercise, the petitioner applied before the respondent-Board for effecting change in his name along with all the relevant documents. However, vide impugned order dated 24.12.2024, the respondent-Board has rejected case of the petitioner. Hence the present writ petition.

5. The petitioner has challenged the impugned action of the respondents on the grounds that the same is violative of his fundamental rights guaranteed under Article 19(1) (a) and 21 of the Constitution of India. It has been further contended that the action of the respondents is not sustainable in law in view of the legal precedents laid down by various High Courts of the country including the Supreme Court of India. It has also been contended that the impugned action of the respondents is arbitrary and irrational.

6. The respondent-Board has contested the writ petition by filing its reply. In its reply, it has been submitted that the petitioner has passed matriculation examination from the Board in the year 2016 and he was provided the qualification certificate dated 11.05.2016 in which the name of the petitioner was shown as Raj Wali. The same particulars were shown in his

12th class qualification certificate but the petitioner did not approach the respondent-Board for change of his name. Only in the month of November, 2023, after more than three years from the date he had gained knowledge about the particulars reflected in the certificates issued by the respondent-Board, the petitioner approached the respondent-Board for effecting change in his name.

7. It has been submitted that the impugned order dated 24.12.2024 does not suffer from any illegality as the Correction Committee of the Board, after due consideration of the case in terms of the Regulations of the Board, has found that case of the petitioner is over and above the mandate of the Committee. It has been further submitted that case of the petitioner does not fall in any of the parameters laid down under the Regulations of the Board. It has also been contended that the petitioner is estopped from seeking a direction for correction of his recorded name as the same is not permissible under the Regulations of the Board.

8. I have heard learned counsel for the parties and perused record of the case.

9. The question that arises for determination is whether the petitioner is entitled to get his name changed and whether

respondent-Board is obliged to effect change of name in the certificates/testimonials issued by it in favour of the petitioner. In this regard, it would be apt to analyse and consider the legal position that has evolved on the basis of legal precedents laid down by the Supreme Court and various High Courts of the country.

10. The Supreme Court while considering the issue as to whether a request for change in name due to acquired name by choice at a later point of time can be effected by the Board authorities in the testimonials issued by it has, in the case of **"Jigya Yadav (Minor) through Guardian/Father Hari Singh Vs. Central Board of Secondary Education & Ors"**, **(2021) 7 SCC 535** held that an individual must have complete control over her name and law must enable her to retain or to exercise such control freely at all times. Paras 125 to 127 of the judgment are relevant to the context and the same are reproduced as under :-

> *"125. Identity, therefore, is an amalgam of various internal and external including acquired characteristics of an individual and name can be regarded as one of the foremost indicators of identity. And therefore, an individual must be in complete control of her name and law must enable her to retain as well as to exercise such control freely "for all times". Such control would inevitably include the aspiration of an individual to be recognised by a different name for a just cause. Article 19(1)(a) of the Constitution provides for a guaranteed right to*

freedom of speech and expression. In light of Navtej Singh Johar [Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 : (2019) 1 SCC (Cri) 1] , this freedom would include the freedom to lawfully express one's identity in the manner of their liking. In other words, expression of identity is a protected element of freedom of expression under the Constitution.

126. Having recognised the existence of this right, the essential question pertains to the rights that flow due to the change of name. The question becomes vital because identity, as stated above, is a combination of diverse set of elements. Navtej Singh Johar {Navtej Singh Jobar V. Union of India, (2018) 10 SCC 1 : (2019) 1 SCC (Crl) 1] *dealt with "natural identity" and here we are dealing with name, which can only be perceived as an "acquired identity". Therefore, the precise scope of right and extent of restrictions could only be determined upon deeper examination.*

127. To begin with, it is important to explain what we understand by this right to change of name as a constituent element of freedom of expression of identity. Any change in identity of an individual has to go through multiple steps and it cannot be regarded as complete without proper fulfilment of those steps. An individual may self-identify oneself with any title or epithet at any point of time. But the change of identity would not be regarded as formally or legally complete until and unless the State and its agencies take note thereof in their records. Afterall, in social sphere, an individual is not only recognised by how an individual identifies oneself but also by how his/her official records identify him/her. For, in every public transaction of an individual, official records introduce the person by his/her name and other relevant particulars."

11. Allahbad High Court in the case of **"Kabir Jaiswal Vs. Union of India and Ors"**, AIR 2021 All 96 has held that right to change the name is a facet of fundamental right as guaranteed

under Article 19 (1) (a) of the Constitution of India and the same cannot be denied. It has been further held that such right can be exercised in the manner prescribed in the directions as contained in **Jigya Yadav's** case (supra).

12. The High Court of Kerala has, in the case of "**Kashish Gupta Vs. Central Board of Secondary Education and Ors"** 2020 SCC Online Ker 1590, while holding that right to a name comes within the scope of Article 19(1)(a) and Article 21 of the Constitution, observed as under:

> *"8. Name is something very personal to an individual. Name is an expression of one's individuality, one's identity and one's uniqueness. Name is the manner in which an individual expresses himself to the world at large. It is the foundation on which he moves around in a civil society. In a democracy, free expression of one's name in the manner he prefers is a facet of individual right. In Our Country, to have a name and to express the same in the manner he wishes, is certainly a part of right to freedom of speech and expression under Article 19 (1) (a) as well as a part of the right to liberty under Article 21 of the Constitution of India. State or its instrumentalities cannot stand in the way of use of any name preferred by an individual or for any change of name into one of his choice except to the extent prescribed under Article 19(2) or by a law which is just, fair and reasonable. Subject to the limited grounds of control and regulation of fraudulent or criminal activities or other valid causes, a bonafide claim for change of name in the records maintained by the Authorities ought to be allowed without hesitation."*

13. A similar view has been taken by the High Court of Delhi in the case of **"Rayaan Chawla Vs. University of Delhi and Anr"**, 2020 SCC Online Del 1413.

14. In view of the aforesaid analysis of the legal position on the subject, it is clear that right to change the name is a facet of fundamental right guaranteed under Article 19(1) (a) of the Constitution of India. Thus, it can safely be stated that right to change the name is a protected right and in normal circumstances, a person cannot be denied this right on technical issues.

15. With the aforesaid legal position in mind, let us now advert to the facts of the present case. The petitioner claims that he desires to change his name from Raj Wali to Mohd. Hassan without change of his religion. In this regard he has already taken necessary steps by getting the declaration published in the Govt. of India Gazette. He has also got his name changed in the documents like Aadhar Card, Pan Card, Voter ID Card, Driving Licence and Passport. Even his Domicile Certificate reflects his name as Mohd. Hassan. In the face of this situation, the issue that arises for determination is as to whether it was open to the respondent-Board to reject the request of the petitioner on the ground that it was beyond the mandate of the correction committee or that the petitioner had

approached the respondent-Board beyond the prescribed period of three years.

16. In the above context, it is to be noted that stand of the respondent-Board is that in terms of Notification No. 18 of 1995 dated 06.02.1995 read with Notification dated 16.02.2009, a candidate has to approach the Board within a maximum period of three years from the date of issuance of certificate for seeking correction in its particulars but in the instant case, the petitioner has approached the Board after six years of attaining the age of majority and after seven years of issuance of matriculate certificate. It is also being contended that there is no provision for change of name in the Regulations of the Board.

17. In order to test the merits of the aforesaid contentions raised by the respondent-Board, it is necessary to notice the contents of Notification dated 06.02.1995 (supra). It reads as under :-

> **"Pursuant to the decision taken by the Board as its meeting held on 24.03.1995, it is hereby notified for the information of a concerned that :-**
> **the name, parentage, date of birth and other particulars of any candidate registered with the Board for examination shall be final and shall not be subject to any change,**
> **Provided that the Board or any Committee nominated by it for this purpose may consider change in the registered particulars of any candidate, in case the same is warranted.**
> **Provided further that Chairman may allow correction in the spelling of**

> **name/parentage/guardianship/sub-caste in cases where it is established that the mistake has occurred due to transcriptional / typographical / typing / computing error.**
> **EXPLANATION:**
> **For purpose of this proviso he following shall be deemed to be clerical, transcriptional and typographical error :-**
>
> **i) Any error that may accrue in the school record while transcribing the particulars of any candidate from primary to middle department or from middle to high department and or from school concerned to the Board.**
> **ii) Any error in the spellings of a name which is apparent on the face of records.**
> **iii) Any such error has accrued on account of transcribing particulars from the Registration Returns received from the institution to the record of the Board."**

18. From a perusal of the aforesaid notification, it comes to the fore that normally no change in name, parentage, date of birth and other particulars registered with the Board is permissible. However, in cases where it is warranted the change can be permitted. It is also provided that the Chairman of the Board has power to allow correction in the spellings of name/parentage/guardianship/sub-caste in the cases where the mistake has occurred due to transcriptional/typographical/typing/computing error. The explanation to the Notification clarifies as to what would constitute such type of mistakes. Thus, two types of changes are permissible in terms of aforesaid notification. One is correction of mistakes in existing particulars which can be

permitted if it is a transcriptional or typographical error. The second is change in registered particulars, other than correction of typographical errors. These would include change in name, change in parentage, change in date of birth and change in surname etc. However, these changes are permissible only in case it is warranted. Normal rule is that no change in registered particulars is permissible.

19. Since right to adopt or change name has been declared as a fundamental right, as such, Notification dated 06.02.1995 has to be interpreted in a manner so that it does not infringe the fundamental right of an individual who seeks to change his name. Thus, while reasonable restrictions in frequent changes of name may be read into aforesaid notification but it cannot be interpreted in a manner so as to put a blanket ban on change of name or particulars of an individual. When interpreted in such a manner, the correction committee of the Board is definitely vested with the power to permit change in the name, parentage or other registered particulars of an individual in deserving case. Thus, the ground that request for change of name of the petitioner is beyond the mandate of the Correction Committee is not legally sustainable.

20. The contention of the respondent-Board that beyond three years from date of issue of certificate it cannot entertain

request for change of particulars registered with it is also misconceived because the limitation of three years prescribed vide Notification dated 16.02.2009 is in respect of request for correction of registered particulars and not in respect of request for change of registered particulars. There is a clear distinction between the two. While change in particulars would include wholesale change of name, parentage, date of birth, caste, surname etc., but correction of particulars includes only rectification of transcriptional or typographical errors. The petitioner in the present case is seeking change in registered particulars and not correction of these particulars. Thus, limitation period of three years would not be applicable to his case.

21. The next question that comes up for consideration is as to whether the respondent-Board is obliged to change the registered particulars of the petitioner on the basis of documents produced by him before it. The Supreme Court in **Jigya Yadav's case (supra)** while dealing with the aspect of the matter has observed as under :-

> *167. Whether CBSE is obliged to effect changes in the certificates issued by it upon production of updated pubic documents (other than school records), is the next issue for consideration. According to the Board, it would not be permissible as it has no independent mechanism to verify the genuineness of the public documents. Even under the Bye-laws,*

there is no requirement for the Board to verify the genuineness of the documents. It is simply not the job of the Board.

168. The bye-laws provide for a two-tier mechanism for recording change of name or other details as indicated above. One of them is prior permission or declaration by a court of law to be obtained. As regards public documents like birth certificate, Official Gazette, Aadhaar card, election card, etc., the same enjoy legal presumption of its correctness in terms of explicit provisions contained in Chapter V of the 1872 Act. The 1872 Act extends such presumption in terms of Section 76 read with Sections 79 and 80 of the 1872 Act and as in the case of Official Gazette under Section 81 of the same Act. Even other legislations concerning public documents attach equal importance to the authenticity of such documents including while making changes in their certificates to which we have alluded to in his judgment. Understood thus, there is no reason for the CBSE Board to not take notice of the public documents relied upon by the candidate and to record change on that basis in the certificate issued by it, for being consistent with the relied upon public documents. It matters not if the information furnished in the public documents is not entirely consistent with the school records of the incumbent. The CBSE while accepting those documents as foundational documents for effecting changes consistent therewith may insist for additional conditions and at the same time while retaining the original entry make note in the form of caption/annotation in the fresh certificate to be issued by it while calling upon the incumbent to surrender the original certificate issued by it to avoid any misuse thereof at a later point of time. It would be permissible for the CBSE to insist for a sworn affidavit to be given by the incumbent making necessary declaration and also to indemnify the CBSE. The fresh certificate to be issued by the CBSE may also contain disclaimer of the Board clearly mentioning that change has been effected at the behest of the incumbent in light of the public documents relied upon by him. In addition, the incumbent can be called upon to notify about the change in the

Official Gazette and by giving public notice as precondition for recording the change by way of abundant precaution."

22. From the foregoing analysis of the law, it is manifest that the version supported by statutory documents like Aadhar card, PAN card, Passport etc., can be taken into consideration for the purpose of correction of qualification certificates issued by the Education Board. Thus, while considering the request of the petitioner for effecting change in his name registered in the certificates issued by the respondent-Board, the correction committee of the Board, has to take into consideration the statutory documents that have been placed on record by the petitioner. In the present case, the committee it seems has not accorded any consideration to these documents.

23. That takes us to the issue as to in what manner change in the name of an individual has to be effected in the certificates issued by Education Board. This aspect of the matter has also been dealt with by the Supreme Court in **Jigya Yadav's case (supra).** The relevant paras of the said judgment are reproduced as under :-

"171. As regards request for "change" of particulars in the certificate issued by the CBSE, it presupposes that the particulars intended to be recorded in the CBSE certificate are not consistent with the school records. Such a request could be made in two different situations. The first is on the basis of public documents like Birth Certificate, Aadhaar Card/Election

Card, etc. and to incorporate change in the CBSE certificate consistent therewith. The second possibility is when the request for change is due to the acquired name by choice at a later point of time. That change need not be backed by public documents pertaining to the candidate.

(a) 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 along with caption/annotation referred to above (except in respect of change of name effected in exercise of right to be forgotten).

(b) However, in the latter situation where the change is to be effected on the basis of new acquired name without any supporting school record or public document, that request may be entertained upon insisting for prior permission/declaration by a Court of law in that regard and publication in the Official Gazette including surrender/return of original certificate (or duplicate original certificate, as the case may be) issued by

CBSE and upon payment of prescribed fees. The fresh certificate as in other situations referred to above, retain the original entry (except in respect of change of name effected in exercise of right to be forgotten) and to insert caption/annotation indicating the date on which it has been recorded and other details including disclaimer of CBSE. This is so because the CBSE is not required to adjudicate nor has the mechanism to verify the correctness of the claim of the applicant.

172. In light of the above, in exercise of our plenary jurisdiction, we direct the CBSE to process the applications for correction or change, as the case may be, in the certificate issued by it in the respective cases under consideration. Even other pending applications and future applications for such request be processed on the same lines and in particular the conclusion and directions recorded hitherto in paragraphs 170 and 171, as may be applicable until amendment of relevant Byelaws. Additionally, the CBSE shall take immediate steps to amend its relevant Byelaws so as to incorporate the stated mechanism for recording correction or change, as the case may be, in the certificates already issued or to be issued by it."

24. Thus, the Correction Committee of the respondent-Board has to consider the request of the petitioner afresh in accordance with the guidelines laid by the Supreme Court in **Jigya Yadav's case (supra)** and take a decision thereon keeping in view the legal position that an individual has a fundamental right to adopt a particular name so as to give himself an identity of his choice.

25. Learned counsel for the respondents while resisting the claim of the petitioner has placed reliance upon the judgments of the Supreme Court in the case of **"Jammu and Kashmir State Board of School Education Vs. Dr. Krishan Lal Gupta & Anr, Civil Appeal No. 7775 of 2014 decided on 13.03.2024** and **State of Haryana Vs. Satish Kumar Mittal & Anr, AIR 2010 SC 3312.** He has also relied upon the Division Bench judgments of this Court in the case of **State of J&K and Ors Vs. Constable Sanjeet Kumar, 2012 (IV) SLJ 1005 and J&K Board of School Education Vs. Janak Singh, CSA No. 28 of 1994** decided on 02.02.1999. All these cases pertain to issues relating to correction in the particulars of candidates like Date of Birth etc and none of these cases relate to name change of the candidate, therefore, the ratio laid down in these cases is not applicable to the facts of the present case.

26. For what has been discussed hereinabove, the impugned action of the respondent-Board in rejecting the request of the petitioner for change of name is not sustainable in law and, as such, the same is liable to be quashed.

27. Accordingly, the writ petition is allowed and impugned order No. F (Certs-B) JD/2024 dated 24.12.2024 issued by respondent–Board is quashed. The respondents are directed to consider the request of the petitioner for change of name

and entry of his changed name in the testimonials issued by the respondent-Board in favour of the petitioner in the light of what has been discussed and held hereinabove and upon considering the material that may be produced by the petitioner. In case the request of the petitioner is accepted, the respondent-Board shall while issuing fresh certificates/mark sheets in favour of the petitioner, reflect name of the petitioner as **Raj Wali alias Mohd. Hassan.**

28. Disposed of accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
11.09.2025
Naresh/Secy.

Whether order is speaking: Yes
Whether order is reportable: Yes