

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****Date of Decision : January 27, 2025
RSA No.2208 of 2019(O&M)****Minakshi****. . . . Appellant**

Vs.

Board of Secondary Education and others

. . . . RESPONDENTS

* * * *

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Sanchit Punia, Advocate for the appellant.**DEEPAK GUPTA, J.**

Suit for declaration filed by the plaintiff (appellant herein) was partly decreed by the trial Court on 18.07.2017. Aggrieved by the non-grant of remaining relief, plaintiff filed appeal, but the same was dismissed by the First Appellate Court of District Judge, Hisar on 10.12.2018. Against these concurrent findings, plaintiff approached this Court by way of present regular second appeal.

2. According to plaintiff, her correct date of birth is 14.11.1996 and her name is Minakshi. However, in the birth certificate issued by defendant No.3 (respondent No.3 herein), her date of birth is wrongly mentioned as 28.07.1997 and her name is wrongly mentioned as Dipali. Further, in the Secondary School Examination Certificate, Senior Secondary School Examination Certificate and the Detailed Marks Sheets of the Bachelor of Commerce Examination as issued by defendant No.2 – University, her name is wrongly mentioned as Mukesh instead of Minakshi. Plaintiff relied upon entry of her name as Minakshi in Aadhar Card, Pan Card and Ration Card.

3. Defendant No.3 contested the suit. Necessary issues were framed. After taking evidence produced by the parties and hearing both the sides, the trial Court partly decreed the suit by directing defendant No.3 to

correct the date of birth of the plaintiff as 14.11.1996 in place of 28.07.1997. However, the remaining relief as claimed by the plaintiff qua change of her name was declined.

4. While considering the appeal filed by the plaintiff against the aforesaid findings, the First Appellate Court has discussed the controversy as under:-

“9. The short controversy in the present case is whether plaintiff is entitled to get her name corrected in birth certificate, Secondary examination, Secondary School Examination Certificate as well as in her DMCs ‘Minakshi’ instead of ‘Mukesh’ as recorded in the above mentioned certificate.

10. From the pleadings as well as evidence of the parties, following facts clearly emerge:-

➤ Date of birth of appellant in Birth Certificate Ex. P-9 issued by Sub Registrar, Births & Deaths, Hisar is recorded as 14.11.1996;

➤ In date of birth certificate Ex. P-9 name of appellant is mentioned as Dipali and not as Mukesh which is mentioned in her certificates or Minakshi which appellant-plaintiff is seeking to change;

➤ In Ex. P-1 Secondary Examination certificate, Ex. P-2 Senior Secondary Examination Certificate, Ex. P-4 to Ex. P-7 DMCs (Detailed Mark Certificates) for B.Com. Name of plaintiff appellant is mentioned as Mukesh. All these certificates pertain to period prior to filing of present suit in 2017.

11. Learned trial court has already given relief of change of date of birth as per birth certificate and no appeal has been preferred by defendants against said relief. The case of plaintiff-appellant is that she was known as Minakshi but on account of mistake of school and college authorities her name was got mentioned as Mukesh in her educational certificates Ex. P-1, Ex. P-2 & Ex. P-4 to Ex. P-7. In order to establish her plea she has placed reliance upon Aadhar card Ex. P-8, Pan card Ex. P-10 and ration card Ex. P-3. Perusal of Aadhar card and Pan card of plaintiff goes to show that Aadhar card was issued on 18.10.2016 and there is no date mentioned on the pan card however, from photograph on Pan card it is clear that same was recent

one. Perusal of ration card Ex. P-3 goes to show that same was issued in the name of 'Minakshi' but it is not dated and from Ex. D-1 it is clearly made out that even Ex. P-3 is recent one as in ration card Ex. D-1 which was issued earlier name of plaintiff has been shown as Mukesh Bala and by striking the name it has been changed to Minakshi without any initial on cutting. It is therefore, clearly made out that all the documents relied upon by appellant to show that respondents had committed error in recording her name, are of subsequent period to recording of name as 'Mukesh' by respondents. From the evidence produced by appellant-plaintiff is clearly made out that name of plaintiff- appellant was Mukesh and after passing B.Com II in year 2015 she had changed the name to Minakshi. There is no error on the part of respondents in recording her name as Mukesh. Therefore, appellant-plaintiff is not entitled to get her certificate corrected for the reasons that same was got wrongly recorded by the respondents. Respondents have rightly recorded her name as Mukesh. It is to be noted that there can be error in recording date of birth and not in recording name for more than five years by different authorities as use of name is primary and any error in same can be detected at the initial stages itself. The plea & evidence of plaintiff that her name was wrongly recorded as Mukesh by defendants is not trustworthy.

12. From the evidence led by the parties, it is clearly made out that plaintiff had sought to change of her name after issuance of certificates therefore she is not entitled to get it corrected on the ground that respondents have wrongly recorded her name."

5. It is contended by learned counsel for the appellant before this Court that any person can change her/his name at any point of time. He has referred to "***Shweta Sharma v. State of Haryana and others***", **2011(3) RCR (Civil) 442 (P&H)**. The said judgment was also cited by the appellant-plaintiff before the First Appellate Court and it was observed as under:-

"13. Faced with this, learned counsel for appellant-plaintiff has relied upon Shweta Sharma Vs. State of Haryana and others, 2011 (3) RCR (Civil) 442 (P&H) to argue that name can be changed at any time. The judgment cited by learned counsel for the appellant is not applicable to the present case. Cited case was a case where name was sought to be changed in birth certificate. In present

case in birth certificate name of appellant is mentioned as Dipali and in her educational certificate same is mentioned as Mukesh and appellant wants to change both the names to Minakshi. For change of name a procedure is required to be adopted and after adopting that procedure any person can change her / his name and this fact as an endorsement may be recoded by Educational Authorities if their rules permit so. However, in present case neither plaintiff had adopted said procedure for change of name nor has shown any rules governing respondents in this regard. Appellant – appellant is not entitled to any relief. Therefore, no fault with the impugned judgment and decree passed by learned lower Court can be found. Finding of Learned lower court on all issues is hereby affirmed.”

6. Learned counsel for the appellant could not point out any factual or legal error in the aforesaid findings. Contention of appellant that any person can change his/her name at any point of time and in case, plaintiff wanted to change her name from Mukesh to Minakshi, she has the right to do so, has no merit. Said contention raised by counsel for the appellant is beyond pleadings. It is not the case of the appellant-plaintiff that her earlier name was Mukesh and now she wanted to change it as Minakshi. Rather her specific case was that though her name was Minakshi, but in the Secondary School Examination Certificate, Senior Secondary School Examination Certificate and the Detailed Marks Sheets of the Bechlar of Commerce Examination, her name has been wrongly mentioned as Mukesh. The First Appellate Court has rightly observed that there can be error in recording the date of birth, but not in recording the name for more than 5 years by different authorities, as use of the name is primary and any error in the same can be detected at the initial stage itself. It is absolutely not believable that though the name of the plaintiff was Minakshi, but she could not come to know that her name had been wrongly mentioned as Mukesh in the Secondary School Examination Certificate, Senior Secondary School Examination Certificate and the Detailed Marks Sheets of the Bechlar of Commerce Examination before she instituted the suit when she applied for the issuance of passport.

7. In view of the aforesaid discussion, this Court does not find any merit in the present appeal. There is no illegality or perversity in the concurrent findings of facts as recorded by the Courts below calling for any interference. As such, present appeal is hereby dismissed.

January 27, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No