



2026:CGHC:15781-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 854 of 2025**

Vanshika Shyamkunwar D/o Shri Santosh Kumar Shyamkunwar Aged About 19 Years R/o House No. 256/15, Ward No. 29, Podibahar Main Road, Distt. Korba, Chhattisgarh, Pin Code 495677

**... Appellant****versus**

**1** - State Of Chhattisgarh Through The Secretary, Department Of School Education, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh, Pin Code 492002

**2** - The Secretary Chhattisgarh Board Of Secondary Education, Near Pension Bada Road, Vivekanand Nagar, Janta Colony, Distt. Raipur, Chhattisgarh, Pin 492001

**3** - The Registrar Chhattisgarh Board Of Secondary Education, Near Pension Bada Road, Vivekanand Nagar, Janta Colony, Distt. Raipur, Chhattisgarh, Pin 492001

**4** - The Director Directorate Of Public Instructions, Government Of Chhattisgarh, Indrawati Bhavan, Sanchanalaya, Atal Nagar, Nawa Raipur, Chhattisgarh, Pin 492002

**5** - The Divisional Officer Chhattisgarh Board Of Secondary Education, Divisional Office, Gandhi Chowk, Distt. Bilaspur, Chhattisgarh, Pin Code 495001

**... Respondents**

(Cause title taken from Case Information System)



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For Appellant	:	Mr. Pranav Saxena, Advocate
For Respondents/State	:	Mr. Praveen Das, Additional A.G.
For Respondent No.3	:	Mr. Pankaj Agrawal, Advocate

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, C.J.**

**07/04/2026**

1. This intra-court appeal has been preferred under Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006, calling in question the legality, validity and correctness of the order dated 02.09.2025 passed by the learned Single Judge in Writ Petition (C) No. 4476 of 2025, whereby the writ petition filed by the present appellant has been dismissed in limine on the ground of availability of an alternative remedy, without entering into the merits of the case.

The appellant, a student, had approached the writ Court assailing the order dated 15.05.2025 passed by the Registrar, Chhattisgarh Board of Secondary Education, rejecting her application for correction/amendment of her mother's name in the Class 10th mark-sheet from "Pratibha Shyamkunwar" to "Pratibha Bauddh". The case of the appellant, in brief, is that her mother had adopted Buddhism and officially changed her name, which change is duly reflected in the Gazette of India and in the appellant's subsequent



educational records, including the Class 12th mark-sheet. Despite this, the respondent authorities declined to carry out the necessary amendment in the Class 10th mark-sheet, leading to inconsistency in official records.

The learned Single Judge, however, declined to entertain the writ petition solely on the ground that the appellant has an alternative remedy of filing a civil suit for declaration, without examining whether such remedy is efficacious in the facts and circumstances of the case and without adverting to the merits of the controversy. Aggrieved by the said order, the present writ appeal has been filed.

2. The facts of the case as emerges from the pleadings of the present writ appeal are that, the appellant is a student who completed her Class 10th examination in the year 2022 and thereafter her Class 12th examination in the year 2024 from the Chhattisgarh Board of Secondary Education. In the year 2023, the appellant's mother formally adopted Buddhism and changed her name from "Pratibha Shyamkunwar" to "Pratibha Bauddh", which change was duly notified in the Gazette of India. Consequently, in the appellant's Class 12th mark-sheet, her mother's name stands recorded as "Pratibha Bauddh", whereas in the earlier records, including the Class 10th mark-sheet, her name continued to be reflected as "Pratibha Shyamkunwar", resulting in inconsistency in official educational documents.

Pursuant to a communication dated 24.06.2024 issued by the Divisional Officer of the Board directing correction of records to



maintain uniformity, the appellant took steps to have the necessary amendments carried out. While corrections were effected in the mark-sheets of Class 5th and Class 8th through the respective institutions, the appellant was required to approach the Board authorities for amendment in the Class 10th mark-sheet. Accordingly, she submitted an application dated 18.07.2024 along with all relevant documents, including the Gazette notification and updated mark-sheets. However, despite repeated follow-ups and applications under the Right to Information Act, no response was initially received, and subsequently, her application came to be rejected by order dated 15.05.2025 passed by the Registrar, Chhattisgarh Board of Secondary Education.

The rejection was primarily on the grounds that as per the applicable regulations, amendment in mark-sheets can be permitted only once and that only minor corrections such as spelling errors are permissible, not a change of name or surname. Aggrieved thereby, the appellant preferred a writ petition challenging the said order, contending inter alia that the rejection was arbitrary, contrary to the governing circulars, and failed to distinguish between “correction” and “amendment”. The learned Single Judge, however, dismissed the writ petition in limine on the ground of availability of an alternative remedy by way of a civil suit, without examining the merits of the case, leading to the filing of the present appeal.

3. Learned counsel for the appellant submits that the impugned order passed by the learned Single Judge is unsustainable in law as the writ petition has been dismissed solely on the ground of availability of an



alternative remedy, without considering whether such remedy is efficacious in the facts of the present case. It is contended that the issue involved does not require adjudication of disputed questions of fact, but pertains to the legality of an administrative decision taken by the respondent authorities in contravention of their own governing circulars. Placing reliance upon the judgment of the Hon'ble Supreme Court in ***M/s Radha Krishna Industries vs. State of Himachal Pradesh & Ors.*** (2021) 6 SCC 771, it is argued that the rule of alternative remedy is a rule of discretion and not a bar to the exercise of writ jurisdiction, particularly when the impugned action is arbitrary, suffers from non-application of mind, and results in manifest injustice.

It is further submitted that the rejection of the appellant's application for amendment of her mother's name in the Class 10th mark-sheet is wholly illegal and contrary to the applicable order dated 31.03.2022, which vests the authority to consider such cases with the Secretary of the Board. It is argued that the respondent authorities have erroneously treated the earlier "correction" in the mark-sheet as an "amendment" so as to deny the present request, without appreciating that correction and amendment operate in distinct fields. Learned counsel submits that the change in the appellant's mother's name is duly supported by a Gazette notification and is already reflected in subsequent educational records, and therefore, the refusal to carry out corresponding amendment in the Class 10th mark-sheet results in inconsistency in official records, adversely affecting the appellant's future prospects. On these grounds, it is prayed that the



impugned order be set aside and appropriate directions be issued to the respondents to consider and allow the appellant's application.

4. Per contra, learned State counsel supports the impugned order passed by the learned Single Judge and submits that the writ petition was rightly dismissed on the ground of availability of an efficacious alternative remedy. It is contended that the appellant is essentially seeking a declaration with regard to change of name of her mother in official records, which involves adjudication of rights and is appropriately within the domain of the civil court. It is further submitted that as per the applicable regulations and circulars governing the Chhattisgarh Board of Secondary Education, only limited corrections such as typographical or clerical errors are permissible in mark-sheets, and not substantive changes in name or surname after issuance of the certificate. Learned counsel submits that the appellant had already availed an opportunity of correction earlier, and therefore, the present request is barred under the applicable rules. It is thus argued that no illegality or perversity can be attributed to the order of the learned Single Judge warranting interference in the present intra-court appeal.
  
5. Learned counsel appearing for Respondent No. 3 submits that the impugned rejection order dated 15.05.2025 has been passed strictly in accordance with the rules, regulations, and policy decisions governing the Chhattisgarh Board of Secondary Education. It is contended that pursuant to the decision taken in the joint meeting of the Executive and Finance Committee dated 07.12.2021, it has been categorically resolved that once revised data is incorporated in the mark-sheet of



examinations conducted by the Board, no second amendment shall be permitted. In the present case, the appellant had already availed an opportunity of correction in the mark-sheet, and therefore, any subsequent request for further amendment is barred under the said policy decision as well as order dated 22.12.2021. It is further submitted that the Board is bound by its statutory framework and cannot permit repeated alterations in academic records, which may compromise the sanctity and reliability of official documents.

It is further argued that there exists no provision under the applicable regulations of the Board for change of name of parents in the mark-sheet on the basis of subsequent events such as change of name due to adoption of religion. The request of the appellant, in substance, seeks a declaration of change in identity, which cannot be granted administratively by the Board merely on the basis of an application. Learned counsel submits that the appropriate remedy available to the appellant is to seek a declaratory decree from a competent civil court, and only thereafter can consequential changes, if permissible under law, be considered. It is thus submitted that the learned Single Judge has rightly declined to entertain the writ petition on the ground of availability of an alternative remedy, and no interference is warranted in the present appeal.

6. We have heard learned counsel for the parties and considered their rival submissions made herein above and also gone through the entire records of the case with utmost circumspection.



7. Having heard learned counsel for the parties and on perusal of the record, this Court finds that the learned Single Judge has declined to entertain the writ petition solely on the ground of availability of an alternative remedy, without examining the nature of the controversy or the efficacy of such remedy in the facts of the case. It is well settled that the rule of alternate remedy is a rule of discretion and not one of compulsion. In ***Whirlpool Corporation vs. Registrar of Trade Marks***, (1998) 8 SCC 1 and ***Harbanslal Sahnia vs. Indian Oil Corporation Ltd.***, (2003) 2 SCC 107, the Hon'ble Supreme Court has held that the High Court may exercise its writ jurisdiction notwithstanding the availability of an alternative remedy where the action impugned is arbitrary or where the remedy is not efficacious. The same principle has been reiterated in ***M/s Radha Krishna Industries (supra)***.
8. In the present case, the controversy lies in a narrow compass and pertains to correction of the appellant's academic record to ensure consistency with undisputed documents, including Gazette notification and subsequent mark-sheets. The issue does not involve any disputed questions of fact warranting adjudication by a civil court. Relegating the appellant to a civil suit would, in the considered opinion of this Court, not constitute an efficacious remedy, particularly when the matter concerns uniformity in educational records having a direct bearing on the appellant's future prospects. The rejection of the appellant's application also appears to be founded on a misapplication of the governing instructions and a failure to appreciate the distinction between "correction" and "amendment". In such circumstances, the



learned Single Judge was not justified in declining to exercise jurisdiction under Article 226 of the Constitution.

9. Consequently, the writ appeal is **allowed**. The impugned order dated 02.09.2025 passed by the learned Single Judge in W.P.(C) No. 4476 of 2025 is **set aside**.
10. The respondents are directed to consider and process the appellant's application for amendment of her mother's name in the Class 10th mark-sheet from "**Pratibha Shyamkunwar**" to "**Pratibha Bauddh**", in light of the Gazette notification and the entries reflected in her Class 12th, 8th and 5th mark-sheets, and to carry out necessary correction so as to bring uniformity in the records.
11. The aforesaid exercise shall be completed within a period of **60 days** from the date of receipt of a certified copy of this order.
12. No order as to costs.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

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