



2024:KER:53774

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 9TH DAY OF JULY 2024 / 18TH ASHADHA, 1946

WP(C) NO. 22847 OF 2024

PETITIONER(S):

- 1 LOHITH.S
AGED 24 YEARS
S/O SUSHANTH,SHALOM, 11/299/B, NETHAJI NAGAR,
COLONYPADY ROAD, MANJUMMEL, KOCHI., PIN - 683501
- 2 LOJITH
AGED 24 YEARS
S/O SUSHANTH, SHALOM, 11/299/B, NETHAJI NAGAR,
COLONYPADY ROAD, MANJUMMEL, KOCHI., PIN - 683501
BY ADV. T.K.ANANDA KRISHNAN

RESPONDENT(S):

- 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.,
PIN - 695001
- 2 THE CONTROLLER OF EXAMINATIONS
PAREEKSH BHAVAN, POOJAPPURA,
THIRUVANANTHAPURAM., PIN - 695012

OTHER PRESENT:

SMT. DEEPA NARAYANAN, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**C.R.****JUDGMENT****Dated this the 09th day of July, 2024**

The petitioners were born to Hindu parents and professed that religion till May, 2017. In the year 2017, the petitioners decided to embrace Christianity and was baptized at the Malankara Catholic Church, Mavelikara. After thus becoming Christians, the petitioners decided to get their religion changed in the school certificate. For that purpose, the petitioners got Ext.P5 notification issued in the Government Gazette. Thereafter, they approached the 2nd respondent seeking to change their name and religion in the school certificate. By Ext.P9, the petitioners' request for change of name was allowed. But, the prayer for change of religion was rejected on the premise that there is no provision for carrying out such change in the school certificate.



2. Heard, learned Counsel for the petitioners and the learned Government Pleader.

3. The learned Counsel for the petitioners placed reliance on Ext.P10 judgment of this Court, rendered under similar circumstances and contended that, even in the absence of a provision, this Court is vested with ample power under Article 226 of the Constitution of India.

4. The learned Government Pleader drew attention to reference No.3 in Ext.P9 to submit that there are Government Orders, which stands in the way of the petitioners' prayer for change of religion being granted.

5. Even if it is to be accepted that there is no provision enabling change of religion entered in school certificates, that is no reason to tie down a person to one religion, merely by reason of his birth. The freedom to practice and profess any religion of one's choice is guaranteed by Article 25(1) of the Constitution. If a person embraces another religion by



exercising that freedom, necessary corrections will have to be made in his records. As rightly observed in Ext.P10 judgment, refusal to carryout the correction will have an adverse impact on the future of the applicants. Moreover, such rigid approach militates against the Constitutional guarantee also.

For the aforementioned reasons, the writ petition is allowed, Ext.P9 is set aside and the 2nd respondent directed to correct the entry regarding religion of the petitioners in Exts.P1 and P2, as requested in Exts.P6 and P7, within one month of receipt of a certified copy of this judgment.

Sd/-

V.G.ARUN

JUDGE



APPENDIX OF WP(C) 22847/2024

PETITIONERS' EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE SSLC CERTIFICATE OF THE FIRST PETITIONER BEARING REGISTRATION NUMBER 272 328
- EXHIBIT P2 THE TRUE COPY SSLC CERTIFICATE OF THE SECOND PETITIONER BEARING REGISTRATION NUMBER 272329
- EXHIBIT P3 THE TRUE COPY OF THE CERTIFICATE OF BAPTISM PERTAINING TO FIRST PETITIONER DATED 16-06-2017
- EXHIBIT P4 THE TRUE COPY OF THE CERTIFICATE OF BAPTISM PERTAINING TO SECOND PETITIONER DATED 16-06-2017
- EXHIBIT P5 THE RELEVANT PAGES OF GAZETTE NOTIFICATION PUBLISHED BY THE FIRST RESPONDENT DATED 22/08/2017
- EXHIBIT P6 THE TRUE COPY OF THE APPLICATION SUBMITTED JOINTLY BY THE PETITIONERS TO THE 1ST RESPONDENT
- EXHIBIT P7 THE TRUE COPY OF THE APPLICATION DATED 04-01-2024 SUBMITTED JOINTLY BY THE PETITIONERS
- EXHIBIT P8 THE TRUE COPY OF THE JUDGMENT IN W.P.(C) 6545/2024 DATED 28-02-2024
- EXHIBIT P9 THE TRUE COPY OF THE ORDER DATED 13-05-2024 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P10 THE TRUE COPY OF THE JUDGMENT DATED 08-03-2021 IN W.P. NO. 3832/2021 OF HON'BLE HIGH COURT OF KERALA

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE