

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 1004 of 2015

District : Aurangabad

Yuvraj s/o. Patilba Andhale,
Age : 31 years,
Occupation : Nil,
R/o. N-9, E-1/27,
Chhaya Nagar Housing Society,
CIDCO, Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai - 32.
2. The Education Officer (Primary),
Zilla Parishad, Aurangabad.
3. The Divisional Secretary,
S.S.C. Board, Division : Aurangabad.
4. The Head Master,
Baliram Patil Vidhyala,
N-9, CIDCO, Aurangabad.

.. Respondents.

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Mr. M.A. Thorbole, Advocate, for the petitioner.

*Mr. B.V. Virdhe, Asst. Government Pleader, for
respondent no.1.*

Mr. A.D. Aghav, Advocate, for respondent no.2.

Mr. U.S. Mote, Advocate, for respondent no.3.

Mr. S.S. Jadhavar, Advocate, for respondent no.4.

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**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : 29TH MARCH 2016

COURT'S ORDER (Per S.S. Shinde, J.) :

1. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for respective respondents.
2. The learned Counsel for the petitioner, on instructions, restricts the prayer in the petition to the extent of direction to respondent nos.2 to 4 to correct the name of the petitioner in the school record.
3. The learned Counsel appearing for the petitioner submits that in school record, name of the petitioner is wrongly mentioned as '*Youraj Patilbuva Andhale*', whereas correct name of the petitioner is '*Yuvraj Patilba Andhale*'. Therefore, he submits that the directions be issued to the respondents to consider the prayer of the petitioner for changing his name in the school record.
4. On the other hand, the learned Counsel appearing for respective respondents submit that the petitioner never approached the Education Officer (Primary) for redressal of his grievance and the petitioner has directly approached this Court by way of filing the present petition. Therefore, according to them, this petition is not maintainable.

5. We have given careful consideration to the rival submissions advanced by the respective parties. With the assistance of the learned Counsel for the parties, we have perused the documents placed on record. Admittedly, the petitioner has not yet approached the Education Officer (Primary) - respondent no.2 and has filed this petition directly under Article 226 of the Constitution of India.

6. Realizing afore mentioned situation, at this stage, the learned Counsel for the petitioner, on instructions, submits that the petitioner will file detail application to respondent no.2, with relevant documents showing that his correct name is '*Yuvraj Patilba Andhale*', within a period of three weeks from today.

7. Upon filing such application, respondent no.2 i.e. Education Officer (Primary) shall take decision on the application of the petitioner within a period of six weeks thereafter, keeping in view the provisions of Rule 26.4 of the Secondary School Code and Appendix 6 thereunder. The decision so taken shall be communicated to the petitioner. Respondent no.4 i.e. Head Master of the School shall take further steps after decision is taken by respondent no.2, as expeditiously as possible and preferably within four weeks thereafter. The entire exercise shall be completed as expeditiously as possible and in any case within a period of 13 weeks from today. In case, respondent no.2 wishes to hear the petitioner, he shall be at liberty to do so.

8. With the above directions, the Petition is disposed of.

9. Parties to act on an authenticated copy of this order.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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