

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 850 OF 2017

Master Aalok Arun Marathe

through his natural guardian (mother)

Mrs Suvarna Arun Marathe

..Petitioner

Vs.

The State of Maharashtra and Others

..Respondents

Mr. Amey Deshpande, for the Petitioner.

Mr. C. P. Yadav, AGP, for the Respondent State.

Mr. A. G. Kothari, for Respondent No.5.

CORAM :- **SHANTANU S. KEMKAR &
B.P.COLABAWALLA, JJ.**

DATE :- **APRIL 11, 2017.**

P. C.:

Heard learned counsel for the parties.

2 Challenging the order dated 27th September, 2016
and 12th August, 2016 (Exhibit-E colly) by which the
Petitioner's application for making correction in the records
relating to the name of her son has been rejected, the

Petitioner has filed this Petition.

3 The learned counsel for the Petitioner submits that in the impugned order the reason assigned by the Respondent No.2-Deputy Director Education for rejecting the application is that once the student has passed 12th standard examination, there is no provision to make the changes in the General Register relating to the name and other details of the student.

4 The learned counsel for the Petitioner has placed reliance on the two Division Benches Judgments of this Court. Firstly in the case of Master Arshad Khalid Jamal v/s State of Maharashtra (Writ Petition No.433 of 2012 decided on 3rd May, 2012) reported in 2012 (4) All MR.117 and secondly in the case of Swapneel s/o Maroti Sonwale v/s the State of Maharashtra and Others (Writ Petition Nos.410,412/13 decided on 4th July, 2013) reported in 2014 (3) ALL MR.177, to contend that the reasons assigned for refusing to entertain the applications are unsustainable.

5 Having gone through the said judgments and having heard the learned counsel for the parties, we are of the view that it was not proper for Respondent No.2 to have rejected the Petitioner's application at the threshold holding that the Petitioner's application cannot be entertained as the Petitioner's son has already passed out the school by declaring successful in 12th standard examination. In our considered opinion in view of the two Division Bench Judgments of this Court as aforesaid, the Petitioner's application ought to have been decided on merits keeping in view the observations made therein.

6 We, therefore, set aside the impugned order dated 27th September, 2016 as well as the order dated 12th August, 2016 and remand the matter back to Respondent No.2 to decide the Petitioner's application afresh taking into consideration the law laid down by the two Division Benches in the case of Master Arshad Khalid Jamal (supra) and Swapneel s/o Maroti Sonwale (supra).

7 The Petitioner is at liberty to file fresh additional documents in support of her claim.

8 Let the fresh decision as aforesaid be taken by Respondent No.2 as expeditiously as possible but not later than two months from the date of receipt of a copy of this order. With these directions the Petition is disposed of.

(B. P. COLABAWALLA, J.) (SHANTANU S. KEMKAR, J.)