

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

WRIT PETITION NO. 10778 OF 2018

1. Naseeruddin Zaheeruddin Siddiqui,
Age: 40 years, Occu. Doctor,
R/o. H.No.8-2-281, Maqsood Colony,
Near Bilquis Masjid, Aurangabad.

2. Raseen Naseeruddin Siddiqui,
Age: 16 years, Occu. Student,
Under guardian of Petitioner No.1
R/o. H.No.8-2-281, Maqsood Colony,
Near Bilquis Masjid, Aurangabad.

... **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
to the Govt. School Education
and Sports Department,
Mantralaya, Mumbai.

2. The Education Officer (Secondary)
Zilla Parishad, Aurangabad.

3. The Maharashtra State Board of
Secondary and Higher Secondary
Education, Divisional Board,
Aurangabad.

... **Respondents**

Mrs. Shinde (More) Vaishali A., Advocate for the Petitioner.

Mrs. V.N. Patil Jadhav, AGP for Respondent-State.

Ms. Sakshi Joshi h/f. Surekha Mahajan, Advocate for Respondent No.3.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**

DATE : 26.09.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. The petitioner no.2 is a student studying in 12th Std. He has passed the S.S.C. examination conducted by the respondent no.3 Maharashtra State Board of Secondary and Higher Secondary Education, Aurangabad. In the school record the name of the petitioner no.2 was recorded as 'Siddiqui Mohd. Raseenuddin Md. Naseeruddin'. The petitioner no.2 got his name changed as 'Raseen Naseeruddin Siddiqui' and a gazette notification in that regard has been published on 05.04.2018. The Aadhar card issued to the petitioner no.2 also records his changed name i.e. 'Raseen Naseeruddin Siddiqui'.

5. The petitioner no.1 on behalf of petitioner no.2 tendered an application requesting to effect change in the school record of the petitioner no.2 and the application has been forwarded to the Education Officer through the school where the petitioner no.2 studied. The Education Officer (Secondary) by an order dated 04.09.2018 has rejected the application on the

ground that the petitioner no.2 has already left the School and as such no change can be effected in the school record.

6. The reason assigned by the Education Officer for rejecting the application tendered by the petitioner is not in consonance with the Secondary School Code. Merely because the pupil has left the school cannot be a reason for refusing to entertain the application. The Division Bench of this Court in the matter of **Mohd. Shahabudin Mohd. Shafiurrahman V/s. Deputy Director of Education & Ors.** reported in **2013 (3) All.M.R. 600**, has taken a view that necessary changes can be effected in view of the provisions of the Secondary School Code even after the pupil has left the school.

7. Since the petitioner no.2 is still taking education, the application tendered by him seeking change in the school record in respect of his name can be entertained. In the event, the pupil who was taking education ceases to be a student, it would be open for the Education Officer to contend that the application cannot be entertained. However, the issue in that regard is pending for consideration before the larger bench. So far as the petitioner no.2 is concerned since he is a student and taking education the application tendered by him can be entertained. The order passed by the Education Officer on 04.09.2018 is erroneous and deserves to be quashed and set aside and the same is accordingly quashed and set aside. The Education Officer

(Secondary) is directed to reconsider the application tendered by the petitioner no.2 in accordance with the provisions of the Secondary School Code and pass appropriate orders within a period of two weeks from today. The writ petition is disposed of accordingly.

8. Rule is made absolute accordingly. There shall be no order as to costs.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]