

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

WRIT PETITION NO. 9631 OF 2018

Harsh S/o. Prashant Shelke

... Petitioner

Versus

The Central Board of
Secondary Education & ors.

... Respondents

.....

Shri. Vijay V. Deshmukh, Advocate for the petitioner
Shri. S. B. Deshpande, ASGI for respondents No. 1 & 2
Shri. A. G. Chaudhari, Advocate for respondent No. 3

.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 21ST FEBRUARY, 2019

ORAL ORDER:

1. Mr Deshmukh, learned counsel for the petitioner submits that, deceased - Gayatri Prashant Shelke is the mother of the petitioner. She died on 29.09.2003. The father of the petitioner remarried with Smt. Renuka. At the time of admitting the petitioner in the school, the name of the step mother was recorded as mother of the petitioner *inter alia* name of Smt. Renuka was recorded as mother of the petitioner. The same continued. The transfer certificate is issued accordingly so also the respondent No. 2 issued the secondary

school certificate quoting the name of step mother Smt. Renuka as the mother of the petitioner. Learned counsel for the petitioner submits that, the petitioner had applied to the school but the school did not accept the application on the ground that one year has lapsed. The learned counsel relies on the Regulation 69.1(ii) of the Examination Bye-laws and submits that the application can be given within a period of five years. The petitioner has passed the secondary school certificate examination on or about May-2018. It is further submitted by the learned counsel for the petitioner that, in other documents such as Adhaar Card, Passport and Birth Certificate, the name of the natural mother of the petitioner is recorded.

2. We have heard Mr S. B. Deshpande, learned ASGI for respondents No. 1 & 2 and Mr. A. G. Chaudhari, learned advocate for respondent No. 3.

3. The application has been made well within the period stipulated under the Examination Bye-laws. In view of that the respondent No.3 ought to have accepted the application of the petitioner. The petitioner shall along with the application file the affidavit of his father for incorporating the name of the natural mother of the petitioner in the school record *inter alia* in the transfer certificate.

The respondent No. 3 shall process the said application and take decision upon it for correction of the name of the mother of the petitioner in the school record and the transfer certificate and if such correction is carried out, same shall be forwarded to respondents No. 1 & 2. Respondents No. 1 & 2 shall thereafter process the application of the petitioners and after verifying the record, issue secondary school certificate mark-sheet and other documents consistent with the record of the school.

4. With these observations, the Writ Petition is disposed of.
No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde