

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

WRIT PETITION NO.31 OF 2019

Ankush Dadaro Palode (Palodkar)
Age 34 years, Occu. Lance Naik,
at present Mhow Cantonment (M.P.),
R/o Palod, Tq.Sillod, Dist.Aurangabad

..PETITIONER

VERSUS

1. The Education officer (Secondary)
Zilla Parishad, Aurangabad

2. The Head Master,
Yashwant Madhayamik Va Uchhya Madhyamik
Vidyalaya, Palod, Tq. Sillod, Dist. Aurangabad

..RESPONDENTS

Mr S.R.Dheple, Advocate for petitioner;
Mr K.N.Lokhande, A.G.P. for respondent no. 1.
Mr. Yogesh Patil, Advocate for respondent no. 2.

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 30th January, 2019

ORAL ORDER:

Heard learned Counsel for the petitioner, learned A.G.P. for
respondent No.1 and Mr. Patil, learned Counsel for respondent No.2.

2. The petitioner challenges the order passed by the Education
Officer (Secondary), Zilla Parishad, Aurangabad i.e respondent No.1 dated

(2)

26th October, 2018, whereby the proposal for seeking change in the surname is turned down only on the ground that the pupil i.e. petitioner left the school and once the student leaves the school, as per the provisions of the School Code, no change can be effected.

3. Learned Counsel for the petitioner, by inviting our attention to the documents placed on record, submitted that in the school record, namely, school leaving certificate issued by one Yashwant Madhayamik Va Uchhya Madhyamik Vidyalaya, Palod, name of the petitioner was referred to as Palode Ankush Dadarao. He then by inviting our attention to the documents placed on record submitted that the death certificate of the father of petitioner issued by the Gram Panchayat, Palod refers to surname of the father of the petitioner as 'Palodkar'. Even, the school record of the very school Yashwant Madhayamik Va Uchhya Madhyamik Vidyalaya, Palod, refers to surname of the real sister of the petitioner namely, Anjana, as 'Palodkar' in school leaving certificate. The other documents namely, Aadhar Card of the mother of the petitioner and the Aadhar Card of the petitioner himself refers to the surname as 'Palodkar'.

4. Learned Counsel for the petitioner then submitted that the ground assigned for rejection is not sustainable, in view of the judgment of this Court in the matter of **Vilas Dattatraya Ransubhe Vs. State of Maharashtra**, reported in **2013 (1) Bom.CR 666**. Our attention was invited

(3)

to paragraph Nos. 5 and 6 of the judgment referred to above.

5. On perusal of the documents placed on record and on the backdrop of the judgment of this Court referred to above, we are of the opinion that learned counsel for the petitioner has made out a case. The petition deserves to be allowed. Accordingly, the petition is allowed in terms of prayer clause (B) and disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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