

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
997 WRIT PETITION NO.11885 OF 2019**

JAISHREE GAUTAM WAYWAL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. P. S. Koshti h/f Mr. Ananta R. Magar, Advocates
for the Petitioner.

Mrs. V. S. Chaudhary, AGP for Respondents-State.

Mr. Bhagwat A. Shinde, Advocate for Respondent
Nos.4 and 5.

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 21st FEBRUARY, 2020.

PER COURT:-

1. The application filed by the petitioner for correction of surname in the primary school record is rejected. Aggrieved thereby, the present petition.

2. Mr. Shinde, learned counsel for Education Officer submits that the school where the petitioner had taken admission to the 1st standard ought to have forwarded the proposal. The petitioner has left the school. In view of Clause 26.4 of the Secondary School Code, the order is rightly passed.

3. In the secondary school record, the surname of the petitioner appears to be 'Waywal'. In the primary school record surname appears to be 'Waygole'. The petitioner also produced other

documents such as Aadhar Card, copy of Ration Card, caste certificate, secondary school record to suggest that surname of the petitioner is 'Waywal'.

4. The petitioner's application is rejected solely on the ground that the petitioner has left the school.

5. The Full Bench of this Court in the case of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Others** reported in 2019(6) Mh.L.J. has held that in case of obvious mistake, the Education Officer can entertain the application though the student has left the school. The said clause has been held to be directory, of course, only in case of correction of obvious mistake.

6. Considering the aforesaid, impugned order is quashed and set aside. The Education Officer shall reconsider the proposal for correction of surname of the petitioner in the primary school record afresh and the decision shall be taken within a period of three (03) months.

7. Writ Petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE