

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9779 OF 2021

SHAIKH RAHAMATPASHA SHAIKH BABU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.B. Gastgar
AGP for Respondent Nos. 1 to 3 : Mr. A.S. Shinde

**CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**

DATE : 27 JUNE, 2022.

ORDER :-

The petitioner is challenging the order dated 7 November, 2009, passed by the Deputy Director of Education, Latur Division, Latur, refusing to correct the school record in respect of change in of surname, on the ground that after passing out, the 12th Standard Examination and/or obtaining the Transfer Certificate (TC), the Deputy Director of Education does not have any power to correct the record. The petitioner is seeking correction of his surname as “Pathan” in place of “Shaikh”.

2. The learned counsel for the petitioner relied upon the decision of the Full Bench of this Court in **Janabai Himmatrao Thakur Versus State of Maharashtra and others, 2019 (6) Mh.L.J. 769**, in order to

submit that an 'obvious mistake', can be corrected even after the student has left the school/junior college.

3. The conclusions reached by the Full Bench in para. 39 (c) may be reproduced as under :-

“39. (c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of ‘obvious mistakes, can be made, even after the student has left school in light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.”

3. It can thus be seen that as per clause 39 (c), the Full Bench in terms has held that an application for change in the name/surname, would be error which would fall within the category of 'obvious mistakes' and can be corrected and made even after a student has left the school.

4. In that view of the matter, we find it appropriate that the respondent Deputy Director re-considers the application in the light of the ratio laid down in the judgment of the Full Bench in Janabai Himmatrao Thakur (supra).

5. The petition is allowed. The impugned order is set aside.

The Deputy Director of Education shall re-consider the application of the petitioner on its own merits and in accordance with law and the keeping in view the decision of the Full Bench as above as expeditiously as possible and preferably within a period of three months, on the basis of the documentary evidence produced.

6. Petition is disposed of with no orders as to costs.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

grt/-