

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.5613 OF 2022

SHAIKH SAWOOD SHAFE SHAIKH MAHMOOD
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Sayyed Tauseef Yaseen, Advocate for the petitioner.

Mr.S.K. Tambe, AGP for respondent No.1/State.

Mr.S.B. Deshpande, Advocate for respondent No.2.

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATED : 17.06.2022

PC :-

01. By this petition, the petitioner has putforth prayer clauses (B), (C) and (D) as under :-

“B. By issuing a Writ of certiorari and or any other appropriate writ, order and/or direction in the like manner, letter dated 9th of March 2022 at Exhibit-F issued by Regional director CBSE Pune rejecting the request for correction in the name of the Petitioner may kindly be quashed and set aside.

C. By issuing a Writ of Mandamus and or any other appropriate writ, order and/or direction in the like manner, Regional Director, C.B.S.E., Pune may kindly be directed to correct the name of the Petitioner in Marks certificate of XIIth standard (senior school certificate examination) issued on

30.07.2021 at Exhibit-D.

D. Pending hearing and final decision of this petition, no coercive steps be taken against the Petitioner in pursuance of admission secured at BHMS course at MHFS Homoeopathic Medical College, sangamner, Dist Ahmednagar.”

02. We have considered the strenuous submissions of the learned Advocates for the appearing parties. It is obvious that due to a long name inclusive of the father's name, who in turn, mentions grand-father's name, the confusion has occurred. After perusing the documents, it is now undisputed that the first name of the petitioner is 'Sawood Shafe'. His middle name is 'Mahmood' and surname is 'Shaikh'. Normally, in the Mohammedan community, this name would be mentioned as 'Shaikh Sawood Shafe Mahmood'. The learned Advocate for the petitioner submits that the word "Shaikh" is his surname and there is a practice of writing the surname first. He further clarifies that recording of a name differs from institution to institution as regards the manner of writing the name, since at some places the first name, middle name and surname is written and in some other institutions, especially the minority institution, the surname, first name and its middle name is written.

03. The learned Advocate representing the CBSE rightly submits that earlier a clerical mistake had occurred and CBSE had promptly corrected the said mistake to ensure that the petitioner is not made to suffer any hardships.

04. Having perused the school record of the petitioner as well as the report-card of Class XI academic session – 2019-2020 in the CBSE school, his name is written as Shaikh Sawood Shafe and father's name is written as Mahmood. His transfer certificate issued by the said school indicates this name. The CBSE, Regional Office, Pune final correction list of Class XII exam, 2021, indicates the first name of the petitioner as Shaikh Sawood, which is actually his surname and half of his first name. The word "Shafe", which is a part of his first name, is added as prefix to the name of his father as Shafe Mahmood. Due to this mistake, the CBSE Senior School Certificate examination marks-memo carries the same mistake.

05. The petitioner has placed before us his application for correction and has also indicated from the record that he has NEET (UG)-2021 provisional selection letter after appearing for the State Common Entrance Test indicates his name as Shaikh Sawood Shafe, which is rightly recorded. The reason for moving this application is that after he acquired admission in the MHFS Homoeopathic Medical College, Sangamner, the office of the said college has raised a query as regards the difference in the name, owing to the CBSE certificate. The learned Full Bench of this Court in Janabai Himmatrao Thakur Vs. State of Maharashtra & Anr., 2019 (6) Mh.L.J.769, has held in paragraph 39 (A) to (D) that a correction in the name is permissible, if it is an obvious mistake.

06. We are in agreement with the submissions of the learned Advocate for the petitioner that there is indeed a mistake in the record for the

reasons recorded hereinabove.

07. As such, this petition is allowed in terms of prayer clauses (B) and (C) . We expect respondent No.2 – CBSE, Pune to issue the certificate with the corrected name of the petitioner as ‘Shaikh Sawood Shafe’ and father’s name as Mahmood.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]