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

29 WRIT PETITION NO.1800 OF 2021

**CHANDRASHEKHAR VITTHAL BHANDARWAR,
THROUGH NATURAL GUARDIAN VITTHAL NARSING
BHANDARWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr R. M. Jade, Advocate for petitioner;

Mr S. R. Yadav, A.G.P. for respondent No.1

Ms Nayana Patil, Advocate h/f Ms S. P. Mahajan, Advocate for
respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 2nd May, 2022

PER COURT:

1. Leave to add the Director of Education, (Secondary and Higher Secondary), Maharashtra State, Pune, as respondent No.6. Addition be carried out forthwith.
2. Issue notice to the added respondent No.6. The learned AGP waives service of notice.
3. The petitioner is now an adult, 18 years aged son, who is taking education. By this petition, he prays that his name be changed from “Chandrashekhar Vitthalrao Bhandrawad” to

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“Chandrashekhar Vitthal Bhandarwar.

4. We have considered the submissions of the learned Advocate for the petitioner and with his assistance, we have gone through the petition paper book.

5. The petitioner himself has filed an application with an affidavit before the State Government and has got a change of name published in the Maharashtra State Gazette-Part-2-Thursdays to Wednesday, July 25-31, 2019. By this publication, he has indicated his old name as “Chandrashekhar Vitthal Bhandrawad” and his new name is mentioned as “Chandrashekhar Vitthal Bhandarwar”. On the basis of such publication in the Maharashtra State Government Gazette, he has moved his school authorities for seeking change in the name of his father from “Vitthalrao” to “Vitthal” and his surname from “Bhandrawad” to “Bhandarwar”. His father has not sought any change.

6. The Education Officer (Secondary), Aurangabad, Dr. B. B. Chavan has sanctioned the change only because the petitioner, without the knowledge of his father, got his name changed by the publication in the Maharashtra State Government Gazette. We find from the document at page No.25 of the petition paper book,

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dated 15/10/2019, that the school record is corrected apparently in view of the earlier order passed by Dr. B. B. Chavan, permitting the change of the father's name and surname of the petitioner, without any foundation.

7. It calls for no debate that, the State of Maharashtra has published a disclaimer vide a note in it's Gazette, which reads as under :-

“Note – “Government accepts no responsibility as to the authenticity of the contents of the notice, since they are based entirely on the application of the concerned persons without verification of documents.”

8. We called upon the learned Advocate for the petitioner to inform us, as to whether there is any birth or school record of his father or of himself, which would indicate that the name of his father is “Vitthal” and not “Vitthalrao” and his surname is “Bhandarwar” and not “Bhandrawad”. The petitioner has no documents to indicate as regards the basis for the foundation for seeking such a change.

9. The learned Division Bench of this Court has crystallized in **Janabai Himmatrao Thakur Vs. State of Maharashtra and**

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others, 2019 (6) Mh.L.J. 769, wherein the conclusions drawn are found in paragraph 39 (a) to (d), which read thus :-

“39. This being the position, We answer Question Nos. (A) & (C) in the following terms :

(a) An application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.

(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.

(d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above.”

10. It is, thus, crystallized that, if such a change is based on an ‘obvious mistake’, the change could be permitted. However, the present petitioner desires a change in the name of his father and the surname, of his own volition, when his father has no documents to show that his name was “Vitthal” and surname was “Bhandarwar”.

11. In these circumstances, seeking a change on the basis of the Maharashtra State Government Gazette, which does not grant any legal sanctity to such a change, is impermissible in law. As such, this petition is dismissed.

12. Before we part with this petition, we need to record that this is not the first case in which Dr. B. B. Chavan, Education Officer (Secondary), Zilla Parishad, Aurangabad, has blindly sanctioned change in name and surname on the basis of the Maharashtra State Government Gazette. Apparently, he has not applied his mind to the case before him, since change in name or surname on the basis of a publication in the Maharashtra State Government Gazette has no legal sanctity. In a recent order passed by us in Writ Petition No.1644/2021 (Shaikh Mohsin Shaikh Ayyub Vs. State of

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Maharashtra and others), on 28/04/2022, we have placed the order before the Chief Executive Officer, Zilla Parishad for appropriate action, considering the conduct of Dr. B. B. Chavan.

13. We are, therefore, imposing costs of Rs.10,000/- (Rs.Ten thousand), which shall be deposited in this Court by Dr. B. B. Chavan, on or before 10/06/2022. This shall be recorded in his service book by respondent No.6.

14. Now, that we find that Dr. B. B. Chavan appears to have approved such changes in many matters, we direct the newly added respondent No.6 – the Director of Education (Secondary and Higher Secondary), Maharashtra State, Pune, to inquire and prepare a list of such orders passed by Dr. B. B. Chavan, wherein he has sanctioned change of names or dates of birth, and place the entire list of such orders before respondent No.1, on or before 15/06/2022. Thereafter, respondent No.1 would scrutinise the record placed before him by the Director of Education (Secondary and Higher Secondary), Maharashtra State, Pune and initiate strict disciplinary action against Dr. B. B. Chavan, by following the due procedure of law.

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15. Compliance of these directions shall be reported to this Court, on or before 30/06/2022.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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