

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

WRIT PETITION NO. 9604 OF 2021

Shaikh Abu Ubaida s/o Shaikh Mushtaq,
Age; 19 years, Occ; Student,
R/o ; Galli No. 19, Central Naka Road,
Near Omar Masjid, Baijipura Indira Nagar,
Dist. Aurangabad.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai -32.
2. Divisional Secretary,
Maharashtra State Board of
Secondary and Higher
Secondary Education,
Aurangabad Divisional Board,
Aurangabad.
3. Deputy Director of Education,
Division Aurangabad.
4. Head Master,
Sarosh Urdu High School
Baijipura, Dist. Aurangabad.
5. The Education Officer (Secondary),
Zilla Parishad,
Aurangabad.

...RESPONDENTS.

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Advocate for the Petitioner : Mr. A.Z.Zaidi
AGP for Respondent Nos.1,3 &5-State : Miss. R.P.Gaur
Advocate for Respondent No. 2 : Mr V.R. Sonwalkar
Advocate for Respondent No.4 : Mr. Syed Parvez Sayed Gani

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29.09.2022.

ORAL JUDGMENT : (PER - SANDEEP V. MARNE, J)

1. Rule, made returnable forthwith. With the consent of the learned Advocates for the respective parties, heard finally at the stage of admission.

2. The present petition is filed for correction of entry of name in the certificate and the mark sheet issued by Maharashtra State Board of Secondary and Higher Secondary Education, Aurangabad.

3. Miss. Gour, learned AGP submits that the Education Officer had permitted the correction in the entry in the name of the petitioner on an erroneous presumption that the petitioner was still taking education in the school. After realizing that the correction was sought after the petitioner had left the school, the Education Officer has issued a show cause notice to the headmaster for sending the proposal.

4. Be that as it may, the order of the Education Officer

sanctioning correction of entry in the name of the petitioner continues to operate till date. Even otherwise, as held by the Division Bench of this Court in the case of **Janabai D/o Himmatrao Thakur vs. The State of Maharashtra & Ors. 2019 (6) Mh. L.J. 769.** The Education Officer is not powerless to correct an obvious error in the entry in the school records even after the student has left the school.

5. It is common ground that the entry of name of the petitioner in the School record has been corrected by the Education Officer by order dated 04.12.2020 and accordingly petitioner's name has been corrected from, "Abu Ubaida Hafiz Mushtaq Ahmed" to "Shaikh Abu Ubaida Shaikh Mushtaq".

6. By order dated 30.03.2021 issued by the Board, the Board has refused to correct the entry on the ground that the change was sought to be effected after the petitioner has left the school.

7. The issue is now no more res-integra, as is covered by the decision of this Court in **Ku. Dhanashree Ravindra Thokle Vs. The Divisional Secretary, M.S. Board of Secondary & Higher Secondary Education, Aurangabad Divisional Board, Aurangabad, Writ Petition No. 14682 of 2021 decided on 19.09.2022.**

8. Consequently the petition is allowed. The decision of the Board dated 30.03.2021 is set aside and the respondent Board is directed to correct the entry of the name of the petitioner as “Shaikh Abu Ubaida Shaikh Mushtaq” in the mark sheet and the passing certificate.

9. The petition is disposed of in the above terms.

10. Rule is made absolute.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE

mahajansb/