

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8738 OF 2022

Syeda Nabila Fatema d/o Quazi Wasiuddin,
Age-14 years (Minor), Occu-Student,
u/g of his grand father
Zahiruddin Shafiuddin Quazi,
Age-74 years, Occu-Retired,
R/o N-7-1055/Plot No.24, Masjid Usman Gani,
Near Millatnagar, Mohammadiya Colony,
Degloor Naka, Nanded,
Tq. and Dist. Nanded

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Through : The Secretary,
Department of Education,
Mantralaya, Mumbai
2. The Chief Executive Officer,
Zilla Parishad, Nanded,
Tq. and Dist. Nanded
3. The Education Officer (Primary)
Zilla Parishad, Nanded,
Tq. and Dist. Nanded
4. Kids Kindom Public School,
Through its Principal
Gut No.100 of Malegaon Road,
Nandusa Road, Khurgaon,
Tq. and Dist. Nanded. **(Deleted)**

Mr.M.D.Narwadkar, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for respondent/State.
Mr.S.B.Pulkundwar, Advocate for respondent Nos. 2 and 3.
Respondent No.4 is deleted by order dated 20.09.2022

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : SEPTEMBER 20, 2022

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Leave to delete respondent No.4. Deletion be carried out forthwith.
2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
3. The petitioner is a 14 year old minor girl student who has preferred this petition through her grand father.
4. The petitioner has put forth prayer clause 'B' and 'C' as under :-

"B. By issuing writ of certiorari or any other writ or order in the nature of certiorari, the impugned communication / letter dated 08.07.2022 (Annexure-"H") issued by respondent No.3 / Education Officer (Primary), Zilla Parishad, Nanded may kindly be quashed and set aside.
C. By issuing writ of mandamus or any other writ, order or direction in the nature of mandamus the respondent Nos. 2 and 3 may kindly be directed to correct the name of father of the petitioner in the school

record i.e. from "Qazi Wasiuddin" to "Quazi Wasiuddin".

5. The only issue raised before us is that the first name of the father of the student is Quazi. In the birth certificate of the student, the name of the father is properly mentioned in Hindi as काज़ी वसियोद्दीन and in English as "Quazi Wasiuddin". The student was taking education in a Primary School at Nanded. Since she has secured admission at the Indirapuram Public School at Noida (State of Uttar Pradesh), a transfer certificate was issued by the School at Nanded in which the father's name was wrongly spelt in English as "Qazi". Owing to this discrepancy, the school at Noida has raised an objection.

6. We have perused the record before us and we find that the name of the student's father appearing in English is spelt as "Quazi". It is only in the transfer application issued by the school at Nanded that it has been spelt as "Qazi".

7. In the light of the above, it is apparent that neither the student nor her father desire to change the name of the father. The record reveals that the school at Nanded has committed a mistake in spelling

the father's first name as Qazi instead of Quazi. It is thus an obvious mistake. The Law laid down by the Full Bench of this Court in Janabai d/o Himmatrao Thakur Vs. The State of Maharashtra and others [2019(6) Mh.L.J. 769] would assist the case of the petitioner.

8. This petition is, therefore, allowed in terms of prayer clause "C". Hence, this petition is allowed. The impugned communication dated 08.07.2022 issued by respondent No.3, refusing to permit the correction in the spelling, is quashed and set aside.

9. Rule is made absolute in the above terms.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)