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

904 WRIT PETITION NO.9905 OF 2021

**RAVINDRA PRABHAKARRAO WAIKOS & ANR.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr M. D. Shinde, Advocate for petitioners;
Mr S. R. Yadav, A.G.P. for respondent Nos.1 & 3
Mr U. S. Mote, Advocate for respondent No.2
Mr Vishal Bakal, Advocate h/f Mr V. S. Kadam, Advocate for
respondent No.4

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

DATE : 26th April, 2022

PER COURT:

1. By this petition, the petitioners have put forth prayer clauses
(B), (C) and (D) as under:-

“B. By issuing writ of certiorary or any other appropriate writ order or directions in the like nature, the impugned communication dated 13.07.2021 issued by respondent No. 2 bearing outward No. ADB/Certificate/603 may kindly be quashed and set aside.

(2)

C. By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the respondent No. 2 may kindly be directed to make necessary correction in Secondary School Certificate in respect of date of birth of daughter of petitioner as 18.02.2003 instead of 17.02.2003.

D. Pending hearing and final disposal of this writ petition, the respondent No. 2 may kindly be directed to make necessary correction in Secondary School Certificate in respect of date of birth of daughter of petitioner as 18.02.2003 instead of 17.02.2003.”

2. We have considered the strenuous submissions of the learned Advocates for the respective sides. The issue is, that the birth date of the daughter of the petitioner No.1, namely, Shweta Ravindra Waikos, petitioner No.2, is 18/02/2003 as per the Birth Certificate. While securing admission in the 4th Standard, the school committed a mistake in recording the date of birth as 17/02/2003, against the existing 18/02/2003 in the school record upto the 3rd Standard. The mistake is of one day. The petitioners, therefore, followed the due procedure laid down in the law for correcting the birth date in the school record. Now, the corrected

(3)

date of birth 18/02/2003 is recorded in all the statutory records, save and except, the 10th Standard SSC Certificate. The SSC Board, Aurangabad has refused to carry out the correction vide communication dated 13/07/2021, contending that petitioner No.2 has now left the school.

3. The learned Full Bench of this Court has dealt with the said issue in **Janabai Himmatrao Thakur Vs. State of Maharashtra and others, 2019 (6) Mh.L.J. 769**. In paragraph 39(a to d), the learned Full Bench of this Court has answered the issues. Consequentially, if there is an 'obvious mistake', the correction can be made, provided there is nothing suspicious about such correction. In the instant case, the birth date of petitioner No.2 was correctly recorded in the Primary School as 18/02/2003 upto the 3rd Standard. While changing the school in the 4th Standard, it was mistakenly recorded as 17/02/2003. This mistake has also been corrected in all the statutory record as well as the school record.

(4)

4. We do not find any oblique motive involved in this matter. Laches are not attributable to the conduct of the petitioners. As such, this petition is allowed in terms of prayer clauses (B) and (C), reproduced above.

5. Consequentially, respondent No.2 shall issue a corrected SSC Certificate to petitioner No.2, as expeditiously as possible and preferably, on or before 29/04/2022, as she has to enter her NEET Application Form along with the SSC Certificate, on or before 30/04/2022.

6. The parties shall act on the printout copy of this order obtained from the official website of the Bombay High Court.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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