

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

84 WRIT PETITION NO.9394 OF 2022

RITESH BAJRANG JANGHALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

None for the Petitioner

AGP for Respondents-State : Mr. S. G. Sangle
Advocate for Respondent No.3 : Mr. U. S. Mote

...

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

DATE : 21st September, 2022

PER COURT :

1. By this petition, the petitioner has put forth prayer Clauses 'A' and 'B' as under :-

(A) By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ, Hon'ble High Court may be pleased to direct the respondents to correct the surname of petitioner in school records from JANGALE (जंगाळे) to JANGHALE (जंघाळे).

(B) Pending hearing and final disposal of this Writ Petition, Hon'ble High Court may be pleased to direct respondents to

correct the surname of petitioner in school records from JANGALE (जंगाळे) to JANGHALE(जंघाळे)

2. None appears for the petitioner.

3. With the assistance of the learned AGP, we have gone through the petition paper book. We are of the view that the following factors need to be considered :-

(A) The birth certificate of the petitioner dated 27/06/2006 indicates his surname in Marathi as "जंघाळे". This will have to be spelt in English as "JANGHALE".

(B) The school record indicates his surname in Marathi as "जंघाळे".

(C) It is only in his SSC certificate that his surname in English has been spelt as "JANGALE".

(D) His father's school record, throughout, indicates the surname in Marathi as "जंघाळे".

(E) His brother's school record also indicates the surname in Marathi as "जंघाळे".

4. The learned Advocate representing respondent No.3 Maharashtra State Board of Secondary and Higher Secondary Education, vehemently opposed this petition. He submits that the record cannot be altered and considering that the petitioner has left school, this court may not entertain this petition.

5. We are of the view that the law laid down by the learned Full Bench of this Court in ***Janabai d/o Himmatrao Thakur Vs. The State of Maharashtra and Ors.***, reported in **2020 (1) ALL MR 360 (F.B.)**, would apply to this case. In paragraph No.39 (a, b, c and d), it is concluded as under :-

"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."

6. Considering the above, since the entire school record of the petitioner's father as well as his siblings and with regard to his own

entries, indicate the surname in Marathi as "जंघाळे" which has to be spelt as "JANGHALE", we find that this is an obvious mistake that has crept into the SSC certificate.

7. Hence, this petition is allowed. The surname of the petitioner would be read in Marathi as "जंघाळे" and in English as "JANGHALE". Respondent No.3 Board is directed to issue the corrected certificate, as expeditiously as possible and preferably on or before 11/10/2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.