

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

WRIT PETITION NO. 11064 OF 2022

Mohammad Numan S/o Mohammad Aijazuddin. ..PETITIONER

Versus

The State of Maharashtra,
Through its Secretary and Others. ... RESPONDENTS

....
Mr. Khan Abdul Hakim : Advocate for the petitioner
Mr. S.G. Karlekar, A.G.P for Respondent No.1
Ms. Nayana Patil, Advocate holding for Ms. Surekha
Mahajan, Advocate for respondent No.2.
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th November, 2022.

ORDER (PER SANJAY A. DESHMUKH J) :-

1. By way of this Writ Petition, the petitioner is challenging the inaction of the Divisional Secretary, Maharashtra State Board of Secondary and Higher Secondary Education, Divisional Board, Aurangabad in correcting the names of the father and mother of the petitioner, in the 10th standard and 12th standard mark sheets, as well as passing certificates issued by the Board. The petitioner, therefore,

prays for directions to the Divisional Secretary, Maharashtra State Board of Secondary and Higher Secondary Education, Divisional Board, Aurangabad to correct the names of the father and mother of the petitioner in the Marks Memo and Secondary School Certificate.

2. The marks sheet (Exhibit -"A") shows the name of the petitioner as "Mohammed Numan Mohd Aijaz" and name of his mother as "Ruhi Quadiya". School Leaving Certificate (Exhibit "C") of the petitioner shows the name of his father as "Mohammad Aijazuddin", and name of his mother as "Qudsiya". A recommendation (Exhibit "D") was submitted by the Education Officer, *Zilla Parishad*, Aurangabad to the Divisional Secretary, Maharashtra State Secondary and Higher Secondary Education Board, Aurangabad for correction of names accordingly. The Board did not correct it. Therefore, he filed the present Writ Petition.

3. The Full Bench of this Court, in the case of ***Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others [2010(6) Mh. L. J. 769]*** held that :-

"An application for alteration in entries in General Register is permissible. For the change in spelling of the name or surname or caste are

errors which fall within category of “ obvious mistake” and thus can be made even after student has left school in light of language of Clause 26.3 of the Secondary School Code which has to be decided on the basis of material available as well as probative value of such material “.

It is further held that Secondary School Code though not statute it is having binding force to be followed as policy of law.

3. The petitioner had left the School, it is an apparent / obvious mistake on the part of the Board that word ‘Mohd.’ is wrongly typed instead of ‘Mohammad’ and word Ruhi is wrongly inserted. Further, word ‘Quadiya’ is wrongly typed instead of ‘Qudsiya’. Therefore, it is necessary in the interest of justice to allow this Writ Petition partly with directions to correct the names i.e. “Mohammad Numan Mohammad Aijaz” instead of “Mohammed Numan Mohd Aijaz” and the name of the mother as “Qudsiya” instead of “Ruhi Quadiya”.

4. The prayer of the petitioner to change the name of his father as “Aijazuddin” instead of “Aijz” is rejected. The same is not an obvious mistake. He has voluntarily got his name changed vide the Maharashtra State Gazette March 19-25,

2020.

5. The Writ Petition is partly allowed in respect of the change of names of the father and mother of the petitioner.

We direct that, the name of the petitioner be corrected as “ Mohammad Numan Mohammad Aijaz” instead of “ Mohammed Numan Mohd Aijaz”. The name of the mother of the petitioner be corrected as “Qudsiya” instead of “Ruhi Quadiya”.

6. The respondent No.2 is directed to correct the names and issue fresh certificates/marks memo accordingly.

**(SANJAY A. DESHMUKH)
JUDGE**

**(RAVINDRA V. GHUGE,)
JUDGE**

YSK/