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

944 WRIT PETITION NO.12890 OF 2021

**MASTER GAJANAN RADHAKISAN WALAKE, THROUGH
ITS GUARDIAN RADHAKISAN YADAVRAO WALAKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr R. R. Bangar, Advocate for petitioner;

Mr P. S. Patil, A.G.P. for respondent Nos.1 & 4

Ms Nayana Patil, Advocate h/f Ms Surekha P. Mahajan, Advocate
for respondent No.2

Mrs Manjusha Deshpande, Advocate for respondent No.3

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

DATE : 26th April, 2022

PER COURT:

1. The petitioner desires to have his name corrected in various school records, since his father has got his name changed.

2. The learned Full Bench of this Court, in **Janabai Himmatrao Thakur Vs. State of Maharashtra and others, 2019 (6) Mh.L.J. 769**, has concluded in paragraph Nos.39 (a) to (d) as under :-

“39. This being the position, We answer Question Nos.(A) & (C) in the following terms :

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(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.”

3. It is glaring that there is no ‘obvious mistake’ in the name of the father of the petitioner. In all the records of the petitioner, right from his schooling days, his father’s name was ‘Raju’, the petitioner’s name is ‘Gajanan’ and the surname is ‘Walake’. His mother’s name is ‘Renuka’. All of a sudden, the father of the petitioner prepared an affidavit and approached the State

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Government for publishing change of his name in the Maharashtra Government Gazette, Part-2, Thursday to Wednesday, July-11-17, 2019. He got his name changed from 'Raju Yadav Walake' to 'Radhakisan Yadav Walake'.

4. As such, this is a manufactured name by the father of the petitioner and is not an 'obvious mistake', so as to seek correction in the full name of the petitioner in his school and college record. There is a disclaimer by the State Government in the Maharashtra Government Gazette, specifically mentioning as under :-

"Note – "Government accepts no responsibility as to the authenticity of the contents of the notice, since they are based entirely on the application of the concerned persons without verification of documents."

5. It is a common knowledge that, normally names are changed by ladies after marriage, so as to convert their maiden name into a marital name. However, if a person changes the name and gets the said name published in the Maharashtra Government Gazette, the same has no statutory value in view of the disclaimer. It also appears from the record that the petitioner's father manipulated the school record of the petitioner by getting the name changed with overwriting, without the order of the Education Officer.

6. The entire school records of the petitioner indicate the name of his father as 'Raju'. It is also not his case that his father's actual name was 'Radhakisan' or that his father stumbled across an old record indicating his name as 'Radhakisan'. The change of name published in the State Government Gazette clearly indicates that the father of the petitioner has got his name changed by choice, as there is no ancient record to indicate that his name was originally 'Radhakisan'.

7. Considering the above and keeping in view the law laid down by the learned Full Bench of this Court in Janabai Himmatrao Thakur (supra), the impugned order passed by the Divisional Secretary of the Maharashtra State Board of Secondary and Higher Secondary Education, Aurangabad, cannot be faulted. The said order cannot be termed as being perverse or erroneous in view of the fact that there is no statutory record supporting the claim of the petitioner that his father's name was 'Radhakisan'.

8. In view of the above, this petition is dismissed.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)