

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

WRIT PETITION NO.11431 OF 2022

**IFRAH FATEEMA SHAKEEL AHMED
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

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Mr. D. P. Palodkar, Advocate for the Petitioner
Mr. S. G. Karlekar, Advocate for Respondents-State
Smt. Vaishali V. Pathrikar h/f Smt. Surekha Mahajan, Advocate for
Respondent No.4.

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 29th November, 2022

PER COURT :

1. The petitioner has challenged the communication dated 04.11.2022 issued by respondent no.4 to the Principal of the College that there cannot be a change in the name of the student considering that there is some contradiction in her name in the original school register and the HSC certificate.

2. We have considered the submissions of the learned advocate for the petitioner and the strenuous submissions of the learned advocate on behalf of respondent no.4, who has vehemently opposed this petition. She submits that considering the discrepancy in the name of the petitioner and it being circumspect as to what is her surname,

that this petition deserves to be dismissed. She relies upon the judgment of the learned Full Bench of this Court in the matter of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra & Others, 2019 (6) Mh.L.J.**, more particularly, Paragraph No.39 [(a) to (d)].

3. We have perused the record of the petitioner to assess as to what could be her actual name. As on 05.03.2009, when she was admitted in the ICSE School, namely, Ryan International School, Aurangabad, her name was entered as 'Ifrah Fateema Shakeel Ahmed'. Her mother's name was shown as 'Sameena Khanum' and her father's name was shown as 'Mohammed Shakeel Ahmed'. Her passing certificate is dated 07.05.2019. We find that the same name is entered in the passing certificate. We have perused the school leaving certificate issued in March-2019 bearing Sr. No.3507, General Register No.1047. Her name is correctly entered. Her father's name is shown as 'Shakeel Ahmed' and father's surname is shown as 'Mohammed'.

4. When we perused the HSC certificate, we found that the name of the petitioner is actual compressed and it appears as 'Fateema Ifrah Md. Shakeel'. Had the full name been written, it would have appeared as 'Ifrah Fateema Mohammed Shakeel Ahmed'. Since the name has been compressed which is apparently the handiwork of a

Clerk, that her name now appears to be different which is most likely to create complications in her education curriculum since she is pursuing further education. We have also perused her name and father's name in the National Eligibility Cum Entrance Test (UG) – 2021 score card which is identical to her school records. It is quite apparent that it is only the HSC marks memo in which her name was compressed making it appear to be a different name. This is an obvious mistake and the petitioner has approached the Court with promptitude and without any delay.

5. We are, therefore, of the view that the petitioner's case would be covered by Paragraph No.39 [clause (c) & (d)] of the judgment delivered in Janabai (*Supra*), which read as under;

“(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 (46) WP No.8085/2017 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. As such, this petition is allowed in terms of prayer clause - (B) and (C). We direct respondent nos.3 & 4 to ensure that the corrected HSC marks memo and HSC certificate carrying the correct name of the petitioner as 'Ifrah Fateema Shakeel Ahmed' be issued upto 1:00 pm on 30.11.2022, since the petitioner has to tender the said certificate with the admission authorities upto 4:00 pm (tomorrow).

7. Needless to state, respondent no.4 would act on the above directions without waiting for the order to be uploaded since it is dictated in open Court at 5:30 pm.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)