

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH : NAGPUR.**

**WRIT PETITION NO.4965/2021**

Ku. Chaitali Ashok Walokar,  
Age 25 years, Occ. : Student,  
R/o. Frezarpura By Pass Road,  
Kumbharwada, Amravati.  
Tq. & District Amravati.

**.. PETITIONER**

**Versus**

1] Anand Secondary School,  
through its Headmaster,  
Rana Nagar, Congress Nagar Road,  
Amravati, Tq.& District Amravati.

2] Education Officer (Secondary),  
Zilla Parishad, Camp, Amravati.  
Tq. and District Amravati.

3] Maharashtra State Board of Secondary &  
Higher Secondary Education, Pune, through its  
Divisional Secretary, Amravati Division,  
Tope Nagar, Maltekdi, Amravati.

**..RESPONDENTS**

-----  
Shri P. S.Patil, Advocate for petitioner.

None for respondent no.1

Ms. N.P. Mehta, Assistant Government Pleader for respondent no. 2.

Shri Anand Parchure, Advocate with Shri Kalyan Chivarkar, Advocate  
for respondent no.3.  
-----

**CORAM :- A.S.CHANDURKAR AND SMT. M.S.JAWALKAR, JJ.**

**DATE :- MARCH 28, 2022.**

**ORAL JUDGMENT ( Per A.S.Chandurkar, J.)**

**Rule.** Rule made returnable forthwith and heard the learned  
counsel for the parties.

2] The petitioner seeks a declaration that her surname which has  
been wrongly shown as “Walivkar” be corrected to read as “Walokar” in the

certificate issued by the Divisional Secretary, Amravati Divisional Board of Secondary and Higher Secondary Education which had conducted Secondary School Certificate Examination in March 2012. The petitioner had made an application to the respondent no.1-School where she pursued her education. Her application dated 22.07.2021 has been rejected on the ground that she had left the School and therefore such change in the surname cannot be made in view of Clause 26.4 of the Secondary School Code.

3] The learned counsel for the petitioner invites attention to the judgment of the Full Bench in **Writ Petition No.8085 of 2017** (*Janabai Himmatrao Thakur vs. The State of Maharashtra and ors.*) decided on 17.10.2019 at the Aurangabad Bench and especially paragraph 39(c) thereof. Paragraph (c) reads as under :

*“(c) Thus, in the 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”*

It is therefore submitted that since all other documents indicate the correct surname of the petitioner, the mistake in the Higher Secondary School Certificate was liable to be corrected.

4] Despite notice, there is no appearance on behalf of the respondent no.1. Shri Anand Parchure, learned counsel for the respondent no.3 submits that if a proposal is received by the said respondent from the concerned

School, necessary corrections would be undertaken.

5] Accordingly, the writ petition is disposed of by passing the following order :

(i) Head Master of the respondent no.1 shall forward a proposal for correction of the petitioner's surname in the light of the judgment of the Full Bench in *Janabai H.Thakur* (supra) to the Maharashtra State Board of Secondary & Higher Secondary Education through its Divisional Secretary, Amravati Division, Amravati within a period of two weeks from the receipt of copy of this order.

(ii) On receipt of such proposal from the School, the respondent no.3 shall in accordance with law make necessary corrections in the petitioner's surname, if there is no other legal impediment.

With these directions, the writ petition is disposed of. Rule accordingly. No costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)

*Andurkar.*