

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

WRIT PETITION NO. 2681 OF 2021

Shaikh Mumaiza Midhat Shaikh
Rafeeqe

.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Bedre, Advocate h/f Shri Tejas V. Bedre, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 to 3.

Ms. Nayana Patil, Advocate h/f Ms. Surekha Mahajan, Advocate for the Respondent No. 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 28 AUGUST 2023.

FINAL ORDER :

. Heard the learned advocate for the petitioner, the learned Assistant Government Pleader as also the learned advocate for the respondent No. 4/Board of Secondary and Higher Secondary Education.

2. The petitioner has been seeking correction in the school record as well as the certificates issued by the respondent No. 4/board in respect of name of her mother which earlier appeared in the school record as Khuteja Farheen to be replaced by Syeda Khudaija Begum.

3. It appears that since the petitioner had already left the school, the Head Master of the respondent No. 5/school forwarded the proposal to the Education Officer (Secondary) as well as the Deputy Director of Education. Both these authorities approved of such correction to be made in the original school record and the record of the Junior College pursuant to the provisions of Clause 26.4 of the Secondary School Code. By the impugned orders the respondent No. 4/Board has refused to make necessary correction and to issue fresh certificates by observing that, no such correction could have been made after the petitioner had left the school in the light of the provisions of Clause 59(3) of the Maharashtra Secondary and Higher Secondary Education Boards Regulation, 1977.

4. We have heard both the sides. The issues are no longer *res-integra* by virtue of the decision of the Full Bench of this Court in the matter of **Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another, 2019(6) Mh.L.J. 769**, even if the student leaves the school or the Junior College, such correction is permissible to be carried out in the circumstances discussed therein. As far as clause 59(3) of the Regulation 1977 is concerned, the Division Bench of this Court in the matter of **Achari Abhijeet Mohanan Vs. The State of Maharashtra and others in Writ Petition No. 1254 of 2021 by judgment dated 07 September 2022** has also concluded that even that cannot be a reason for the board to refuse to effect the correction once the order is passed under Clause 26.4 of the S. S. Code.

5. In the light of the above, we allow the writ petition. Quash and set aside both the orders and direct the respondent No. 4/Board to take necessary steps to issue fresh certificates by carrying out necessary corrections. The steps shall be taken as expeditiously as possible and in any case within a period of three (03) weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23