

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

90 WRIT PETITION NO.1388 OF 2023

PRANIKET ANIL PATIL
VERSUS
MAHARASHTRA STATE BOARD OF SECONDARY AND HIGHER
SECONDARY AND OTHERS

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Advocate for Petitioner : Mr. N.B Garje h/f Mr. V.D. Salunke
AGP for Respondents: Mr. V.M. Kagne
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th FEBRUARY, 2023.**

PER COURT :-

1. This petition has been filed in the name and style, "Praniket s/o Anil Patil", by the petitioner, whose entire school record indicates his name as "Praniket Anil Sonawane". He seeks correction in his surname on the ground that it is an obvious mistake.

2. We have perused the school record of the petitioner which indicates his surname as "Sonawane" and father's name as Anil. We have perused his S.S.C., H.S.C. certificates and marks memo, which refer his name as Praniket Anil Sonawane. We find from his diploma in Civil Engineering Certificate that his name is Praniket Anil Sonawane. The birth certificate is obtained from Municipal Corporation, Aurangabad, Ward D, mentioning the surname of the petitioner as Patil and the surname of his father as Patil. This certificate is obtained recently on 28.10.2022. This is in

the backdrop of the petitioner, having approached the Maharashtra Government with an affidavit seeking change in the name from “Praniket Anil Sonawane” to “Praniket Anil Patil”.

3. The petitioner has vehemently contended that there is an obvious mistake in his surname. He has referred to the Government Gazette to claim that there is mistake in his surname, as is recorded from his childhood till he became an Engineer. In his entire Primary and Secondary Schools and Engineering College records, the surname is mentioned as Sonawane and his marks memo and degree certificates carry the surname as Sonawane.

4. The petitioner approached this Court earlier with surname Patil, in writ petition No. 13513 of 2021 and presented before the court that his actual surname is Patil. In a very short order dated 20.6.2022, passed by this Court (Coram: C.V. Bhadang and Nitin B. Suryawanshi, JJ.), it was only observed that if the petitioner makes an application seeking correction of the name, the authorities would consider his request on it's own merits, in the light of the judgment of the Full Bench, delivered in ***Janabai vs. State of Maharashtra (2019) (6) Mh.L.J. 769***).

5. In ***Janabai (supra)***, the Full Bench of this Court has answered the issues in paragraph 39 as under:-

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

in the following terms :

(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 (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. It is well settled that the school record has a high weightage and there is a legal presumption. The father of the petitioner admitted him in the school and from the day one, his surname is Sonawane. This is continued till he became an engineer. The desire to change the surname has its origin in the Maharashtra Government Gazette published for January 12 – 18, 2017. The disclaimer clause of the Government Gazette reads thus:-

“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.”

7. It is thus apparent that the petitioner voluntarily got his surname changed, since he desired to don a surname as “Patil” instead of “Sonawane”. The voluntary act of the petitioner in seeking a change in his surname, cannot be countenanced. If the said request is accepted, there would be a flood of candidates before the court, who would seek change in name or surname and seek a Writ of Mandamus. The above facts do not come within the parameters of paragraph 39 of the judgment delivered in ***Janabai (supra)***.

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

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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