

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

50 WRIT PETITION NO.1966 OF 2023

ANKUR GANESHRAO RAJUKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Arvind S.
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/3 : Mr. M.N. Navandar
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 21st February, 2023

PC. :-

1. The petitioner has put-forth prayer clause-B and C as under:

“B) The impugned letter 9.1.2023 issued by Registrar Vasantrao Naik Marathwada Krushi Vidhyapith Parbhani may kindly be quashed and set aside by issuing the degree certificate in new name.

C) That the respondents may kindly be directed to effect the change in name of the petitioner from Manik Ganeshrao Shengule Old Name and new name Ankush Ganeshrao Rajurkar in view of the Govt. Gazette dated 9th April, 2015 in the record of Degree Certificate issued by Vasantrao Naik Marathwada Krushi Vidhyapeeth Parbhani.”

2. We have considered the submissions of the learned advocates for the petitioner and the University.

3. It is pointed out to us that this petitioner, whose actual name by birth is Manik Ganeshrao Shengule, voluntarily approached the State of Maharashtra by filing an affidavit for seeking change of name to “Ankush Ganeshrao Rajurkar”. The disclaimer clause in the Maharashtra State gazette is 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.”

4. Based on such change of name, though the petitioner originally had an Aadhar card by his actual name, he was successful in obtaining a new Aadhar card with the changed name. Based on the same he got his name on the passport changed. Similar exercise was done with regard to the PAN card.

5. The case brought before us is not as regards an ‘obvious mistake’ that may have occurred in the name of the petitioner in his school record or SSC or HSC record. He has voluntarily got his name changed in April-2015. The learned Full Bench of this Court has recorded in paragraph no.39 in the case of **Janabai d/o Himmatrao Thakur V/s. The State of Maharashtra and Ors.** 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.”

THREE PETITIONS FILED IN THE SAME CAUSE

6. The petitioner had approached this Court in Writ Petition No.2867 of 2017. By order dated 06.03.2017 this Court [Coram: S.V. Gangapurwala and K.L. Wadane, JJ.] noted that there was no mistake in the school record of the petitioner and the said record correctly indicates his name. He has voluntarily changed his name and surname i.e. on his own volition. Rule 26.3 and 26.4 of the Secondary School Code cannot be invoked for changing the school record in such fashion. The petition was disposed off without granting any relief to the petitioner. The petitioner then once again filed Writ Petition No.5015 of 2017. The petitioner himself withdrew this petition and the same

was disposed off as withdrawn. This is the third petition for the said purpose. Naturally, repeated petitions in the same cause cannot be entertained.

7. The learned advocate for the Agriculture University submits that the petitioner has obtained admission in the Agriculture College in his original name by producing the original records, which indicate his factual name. Since he has voluntarily changed his name, the request for changing the entire record of the school and college cannot be entertained.

8. In view of the above and since the earlier two petitions of the same petitioner have been refused, which were filed in the same cause, this petition stands dismissed. We would have been justified in imposing heavy costs for the repeated attempts of the petitioner in filing similar petitions. However, the learned advocate for the petitioner prays for sympathy and requests that costs may not be imposed. As such, we are not imposing costs.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]