

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

901 WRIT PETITION NO.1948 OF 2023

PATHAN AMAAN ULLAH KHAN TAOFIK KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Mahesh Kalidas Bhosale.

AGP for Respondent Nos.1 & 3 : P. S. Patil.

Advocate for Respondent No.2 : Mr. Syed Parvez, h/f Mr. S. B. Pulkundwar.

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

DATE : 08th March, 2023.

Per Court:

1. On 20th February, 2023, we had passed the following order:-

"1. The petitioner desires that his father's name and his birth date be corrected.

2. The record shown to us pertains to the Health Department, Dharmabad Municipal Council, which issued the birth certificate on 19.11.2013, after registering the birth date of the petitioner as 25.07.1996, after 17 years of his birth.

3. We direct the petitioner to add the Dharmabad Municipal Council through the Chief Officer, as respondent No.6 and the Secondary School Certificate Board, Latur, as respondent No.7. Addition be carried out forthwith.

4. Issue notice to the respondents, returnable on 03.03.2023. The learned AGP waives service of notice on

behalf of respondent Nos.1 and 3. Shri Pulkundwar, the learned advocate, waives service of notice on behalf of respondent No.2. Humdast is granted, on request.

5. We direct the Dharmabad Municipal Council to produce before us the original birth records pertaining to the months from June, 1995 till August, 1996, on the next date of hearing.

6. All office objections to be removed within four weeks.”

2. Respondent Nos.6 and 7 are served. Yet, no appearance is entered either through an Advocate or in-person. Consequentially, the original record pertaining to the birth of the Petitioner from June 1995 to August 1996, is not placed before us by the Dharmabad Municipal Council.

3. Nevertheless, the Petitioner has preferred an additional affidavit dated 8th March, 2023 alongwith certain documents (14 pages). The same is collectively marked as ‘X’ for identification.

4. Vide paragraph 4 of the affidavit ‘X’, the Petitioner has declared that he gives up the claim of being born on 25th July, 1996. He will stick to his original date of birth, which is 14th July, 1995 and will not raise any further issue with regard to this date of birth. The only grievance that he has put forth is that his name, father’s name and surname have been typed by the SSC Board, HSC Board and even by

the Junior College in their records would indicate that the name of the Petitioner is added to the name of the father so as to appear as one single name. Though the words in the name that are typed are correct, they have been joined at the wrong places. He, therefore, submits his incorrect name and the correct name as under:-

Incorrect Name	Correct Name
Pathan Amaanullakhan Toufiqullakhan	Pathan Amaan Ullah Khan Taofik Khan Pathan

5. In view of the above and considering the statement made in the affidavit and since the manner of writing the name, father's name and surname has led to an obvious mistake, that this Petition is partly allowed only to the extent of accepting the correct manner of writing the name of the Petitioner, as depicted in the forgoing paragraph.

6. The Petitioner's date of birth shall be maintained as 14th July, 1995 and he is at liberty to fill in his form and upload the information accordingly. Consequentially, all concerned authorities shall issue corrected certificates to the Petitioner in view of this order, subject to completion of requisite formalities.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]