

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

904 CIVIL APPLICATION NO.866 OF 2023

IN RAST/34380/2022

WITH

REVIEW APPLICATION (STAMP) NO. 34380 OF 2022

Mohammad Numan s/o Mohammad Aijazuddin.

... Applicant

Versus

1. The state of Maharashtra.
2. Divisional Secretary,
Maharashtra State Secondary & Higher
Secondary Education Board, Aurangabad.
3. Education Officer (Secondary),
Zilla Parishad, Aurangabad.
4. The Principal,
Maulana Azad Junior College of Arts,
Sci And Commerce,
Dr Rafiq Zakaria Marg, Rauza Bagh, Aurangabad.
5. The Principal,
St Lawrence High School,
Town Centre, Cidco, Aurangabad.

... Respondents

...
Mr. Abdul Hakeem Abdul Karim Khan, Advocate for Applicant.
M. P. S. Patil, AGP for Respondent Nos.1 to 3.
...

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

DATE : 31st August, 2023.

Per Court:

1. Since the delay of only 11 days is caused, we permitted the learned Advocate for the Applicant to address us on the Review Application.

2. The learned AGP submitted that the delay can be condoned. The Civil Application for condonation of delay is allowed, since the delay is of only 11 days.

3. We have considered the Review Application. Extensive submissions of the Petitioner were considered when the Writ Petition was taken up for hearing and the order dated 10th November, 2022 was passed. Every contention and every ground was taken into account and the law laid down by the Full Bench of this Court in *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others, 2010(6) Mh. L. J. 769* was applied. The Petition was partly allowed as we noticed that there were apparent mistakes in the names of the father and mother of the child. Since such mistakes can be corrected, in view of the *Janabai (supra)*, the Petition was partly allowed.

4. While considering the request that the name of the child be changed from “Aijaz” to “Aijazuddin”, we noticed that there was no school record, which would indicate any mistake or contradiction. The name of the child throughout was recorded as Mohammad Numan Mohammad Aijaz. There was no record before us, which could indicate any contradiction as to whether the last word is “Aijaz” or “Aijazuddin”.

5. For filing this Review Petition, the Petitioner has placed reliance upon a certificate issued by the school with the title “**To whomsoever it May concern**” and in handwriting, the name of the student is written as “MOHAMMAD NUMAN MOHAMMAD AIJAZUDDIN”. This is the first document purportedly issued by the school indicating the last word in the name of the student as “Aijazuddin”. The said certificate neither carries any date, nor any outward number. There is every reason to doubt the said certificate as having been procured to promote the interest of the Petitioner in filing this Review Application.

6. In view of the above and considering the law laid down in *Lily Thomas Vs. Union of India, AIR 2000 SC 1650* and *S. Madhusudhan Reddy Vs. V. Narayana Reddy and others, 2022 Live Law (SC) 685*, no ground is made out to cause a review.

7. The Review Application is, therefore, dismissed.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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