

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12725 OF 2022

Master Ashish Kumar ...Petitioner
Versus
State of Maharashtra through Secretary ...Respondents
Education & Ors

Mr Kamlesh P Mali, for the Petitioner.
Mrs PJ Gavhane, AGP, for the Respondent-State.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 24th March 2023

PC:-

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1. Rule. Respondent Nos. 1 to 4 waive service. Respondent Nos. 5 and 6 are strictly not concerned except for the purposes of implementation of this order. Rule made returnable forthwith and the Petition is taken up for hearing and final disposal.

2. The Petitioner is a student presently pursuing a higher technical education in VFX in a division of Aptech Ltd called Arena Animation. The entire focus of the Petition is the discrepancy in the Petitioner's name as shown in an HSC certificate in contrast to other documents. Shortly stated, in one certificate which is at Exhibit "E" at page 27, namely, the HSC certificate, the

Petitioner's name is shown as Kumar Ashish Ajant. Now Ajant is the name of the Petitioner's father, and this is clear from the school leaving certificate at Exhibit "C" at page 20 apart from the birth certificate which is at Exhibit "A" at page 17. The 5th Respondent Junior College of Science and Commerce issued a leaving certificate dated 31st May 2018 which shows the name of the Petitioner as Ashish Kumar Ajant Singh. The name Ajant is against the blank for the father's name and Singh is shown as the surname. However, in other documents such as those at Exhibit "B", the Petitioner's name has been shown as Ashish Kumar although his father's name is shown as Ajant Singh. This is also true of Exhibit "C" at page 20, the school leaving certificate.

3. It is this discrepancy and only this discrepancy that is coming in the way of the Petitioner's higher studies. What he seeks is a correction in the Higher Secondary Certificate Examination statement of marks "Exhibit E" at page 27. This change can only be effected once there is a corresponding change in the general register of the school and that would require an order or directive from the 2nd Respondent, the Education Officer (Secondary) Thane. Rather than waste time, since this will come at some prejudice to the Petitioner pursuing his career, in asking the 2nd Respondent to consider a representation, and since we are satisfied that this is a clerical error that should and can be rectified, we direct the 2nd Respondent to issue the necessary order to the 5th and 6th Respondents namely, Tilak Junior College of Science and Commerce through its Principal to effect the name change in the school register and to the 4th Respondent to issue correspondingly a rectified HSC certificate in lieu of the certificate at Exhibit "E" at

page 27 showing the name of the Petitioner as Ashish Kumar. We ourselves are satisfied from the documents on record that this change is innocuous, not mischievous and deserves to be accepted. The necessary HSC certificate is to be issued by Respondent No. 4, the Higher Secondary Certificate Examination Board through its secretary within one week of the Education Officer passing the necessary order.

4. Rule is made absolute in these terms and the Petition is disposed accordingly with no order as to costs. The necessary order by the 2nd Respondent is to be issued within two weeks from today. The 5th Respondent School/Junior College will make the necessary change within one week thereafter and the 4th Respondent will issue the rectified certificate within one week thereafter.

5. All concerned to act on an authenticated copy of this order. None will insist on production of a certified copy. Certified copy expedited.

(Neela Gokhale, J)

(G. S. Patel, J)