

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 827 OF 2023

Jyothi Jose ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

Mr VM Parkar, *for the Petitioner.*
Mrs AA Purav, AGP, *for the State.*
Mr Atiswh Mahade, *with Rebecca Dias, for Respondent.3.*

CORAM G.S. Patel &
S.G. Dige, JJ.
DATED: 23rd January 2023

PC:-

1. Respondents Nos. 1 and 3 are represented. Respondent No. 2 is unrepresented though served. The Petitioner has been driven to Court because the 2nd and 3rd Respondents have simply not acted on the Petitioner's representations to rectify a minor typographical error in recording her date of birth as 2nd July 1990 on her Secondary School Certificate issued by the 2nd Respondent and her Leaving Certificate issued by the 3rd Respondent. In both documents her date of birth is shown as 2nd April 1990.

SHEPHALI
SANJAY
MORMARE

Digitally signed
by SHEPHALI
SANJAY
MORMARE
Date: 2023.01.24
15:07:07 +0530

2. Her birth certificate, a copy of which is at Exhibit "F" shows the date of birth as 2nd July 1990. This is also reflected in her

Aadhaar card, a copy of which is at Exhibit “G”, the Maharashtra Government Gazette Notification regarding a change of address at Exhibit “H” and her passport at Exhibit “H2”. The Petitioner urgently needs this rectification because without it she cannot take up the nursing job for which she has been selected by the Nursing and Midwifery Board of Ireland. This error is thus impeding the Petitioner’s entire career.

3. We are wholly unable to understand why despite representations with all supporting documents, the 2nd Respondent, the Maharashtra State Secondary and Higher Secondary Board the 3rd Respondent, Vivek Vidyalaya Junior College, refuse to act. We understand that the Petitioner did her SSC and HSC from the 3rd Respondent anyway. Both the 2nd and 3rd Respondents had no discernible cause to refuse the Petitioner’s application for rectification. Respondent No. 3 has in fact said that it cannot alter entries in the general register once the student has left the school. This only means that an error on the part of the authorities must be perpetuated forever. That is not a submission that appeals to us.

4. Hence, we issue rule and make it returnable forthwith and proceed to make it absolute for the reasons set out above in terms of prayer clauses (a) and (b), which read thus:

“(a) this Hon’ble Court be pleased to issue writ of mandamus and or any other writ, order and or direction in the nature of mandamus under Articles 226 and 227 of the Constitution of India and after going through the records and proceedings of the present writ petition as well as after

going through to legality and propriety of the action of the Respondent No.2 be pleased to direct the Respondent No.2 to consider the request of the Petitioner dated 06.12.2022 and ordered to rectify the mistakes occurred in Secondary School Certificate (Exhibit D-1) by issuing fresh Secondary School Certificate by mentioning the correct date of birth viz: 02.07.1990;

(b) this Hon'ble Court be pleased to issue writ of mandamus and or any other writ, order and or direction in the nature of mandamus under Articles 226 and 227 of the Constitution of India and after going through the records and proceedings of the present writ petition as well as after going through to legality and propriety of the action of the Respondent No.3 be pleased to quash and set aside the said decision of the Respondent No.3 stating therein that, they cannot alter any entries made in General Register once the student has left the school and further order and ordered to the Respondent No.3 to rectify the mistakes that occurred in leaving certificate by issuing fresh leaving certificate by mentioning the correct date of birth viz:02.07.1990 and make necessary correction in the relevant records:"

5. The 2nd and 3rd Respondents will issue the necessary corrected statements, i.e., the Secondary School Certificate for the Petitioner in substitution of Certificate No. 141365 and the Leaving Certificate by the 3rd Respondent, by 10th February 2023. Both authorities will act on production of an authenticated copy of this order. Neither authority will insist on a certified copy. List the matter on 14th February 2023 high on board for directions for compliance.

(S.G. Dige, J)

(G. S. Patel, J)