

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6923 OF 2018

Ku. Padmashree D/o. Dilip Hirkane,
 Aged - 30 years, Occu – Nil.
 R/o. 497, Samarthanagar, Nari Road,
 Nagpur.

.....**PETITIONER**

...V E R S U S...

(1) The Education Officer, (Sec.),
 Zilla Parishad, Nagpur.

(2) Maharashtra State Examination Board
 of Secondary and Higher Secondary
 Education, Nagpur Division,
 Nagpur, through its Secretary.

(3) Dayanand Arya Kanya Vidyalaya,
 Jaripatka, Nagpur
 through its Headmistress.

(4) Sindhi Hindi Junior College,
 Near Panchpaoli Police Station,
 Nagpur, through its Principal.

.....**RESPONDENTS**

 Mr. P. N. Shende, Advocate for the petitioner
 Smt. K. S. Joshi, Addl. G. P. for respondent 1
 Mr. Anand Parchure, Advocate for respondent 2
 Mr. T. H. Bewali, Advocate for respondent 3
 Mr. R. M. Tiwari, Advocate for respondent 4

CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 29-03-2023

ORAL JUDGMENT (PER : Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

2. Petitioner is seeking direction that respondents 3 and 4 shall correct the entry of the name and date of birth in the school record. The other relief claimed is that respondents 3 and 4 be directed to forward the proposal of the petitioner to respondent 2 - Maharashtra State Examination Board of Secondary and Higher Secondary Education.

3. We find that the petition, as is framed, is hopelessly misconceived.

4. Respondent 3 is the school where the petitioner was admitted in the 5th Standard. Petitioner shifted to respondent 4 in the 11th Standard.

5. Clauses 26.3 and 26.4 of the Secondary Schools Code are relevant and we extract the said provisions.

“26.3 No alteration in the date of birth or other entries in the General Register, including correction of spelling shall be allowed without the previous permission of the appropriate authority. No such alteration in the figure of Date of Birth

shall however, be allowed even with such permission after the student has left secondary School. This shall not however preclude correction of obvious mistakes, that is the date of a particular month which does not exist in the calendar. Before giving sanction to correct the spelling or the obvious mistake in figures, the same shall be verified with the original evidence, if any, produced at the time of making the relevant entry. When such an alteration is made on the strength of the written order of the said authority, an entry to that effect shall be made in the remark column of the General Register by writing the number and date of the order of the said Authority. The written order shall be preserved as permanent record.

- 26. 4** *Application for change or correction of date of birth, name, surname, caste, etc. as entered in the General Register shall be entertained from or on behalf of a pupil who is attending a school. Such application shall not be entertained from or on behalf of a pupil who has left the school, as the same amounts not only to a change in the entries in the General Register but also to a change in the School Leaving Certificate. However, for the purpose like an admission to another educational institution the School Leaving Certificate is relied upon as an evidence for name, surname, caste, date of birth etc, and hence in bonafide cases where wrong spelling of word or an obvious mistake of the type mentioned in sub-rule 3 above is noticed anytime after issue of the School Leaving Certificate and the same is required to be corrected so as to be consistent with the corresponding entries in the General Register of the School or those in the School Leaving Certificate issued by the previous school, such applications shall be entertained. The procedure to be followed in such cases is laid down in Appendix Six.”*

6. It is not in dispute that the petitioner has passed out, and therefore, the power of the authority is restricted to correct obvious

mistakes. The authority is enjoined to sanction the correction of spelling or obvious mistakes in figures after verifying the evidence which may have been produced when the original entry was recorded.

7. We find that respondent 4 is unnecessarily dragged in litigation. The entries recorded with respondent 4 are on the basis of the record of the first school i.e. respondent 3. In this view of the matter, in so far as respondent 4 is concerned, we dismiss the petition with costs of Rs. 2,000/- (Rupees Two Thousand) to be paid by the petitioner to respondent 4 within the next eight weeks. Considering that the petitioner is a student, if respondent 4 so deems fit, we permit respondent 4 to waive the costs.

8. In so far as respondent 3 is concerned, there is absolutely nothing to suggest that any fault lies at the doorsteps of respondent 3. We note from the documents filed along with the affidavit in response that it was on 6-4-2018 that the Headmistress of the respondent 3 school forwarded the proposal of the petitioner to the Education Officer (Secondary), Zilla Parishad, Nagpur. A reminder dated 21-4-2018 was also addressed by respondent 3 to the said authority.

9. We find from the body of petition, that there is not even a prayer incorporated seeking a direction against respondent 1 who is

the competent authority. As a fact, no relief whatsoever is sought against respondent 1 Education Officer (Secondary), Zilla Parishad, Nagpur. A totally misconceived direction is sought against respondent 2 - Maharashtra State Examination Board of Secondary and Higher Secondary Education. It is needless to observe that respondent 2 shall come into picture only after respondent 1 considers the proposal and sanctions, if at all, the correction of obvious mistake in spelling or figures.

10. In this view of the matter, even respondent 3 is entitled to receive costs from the petitioner. We direct the petitioner to pay costs of Rs. 2,000/- (Rupees Two Thousand) to respondent 3. We further permit respondent 3 to waive the costs, if so deemed fit. Petitioner shall file an affidavit of compliance of having paid the costs, or if there is any waiver, to file copy of appropriate communication which petitioner may have received from the respondents 3 or respondent 4.

11. Considering that the petitioner is a student, notwithstanding that there is no prayer whatsoever in the petition, we request respondent 1 to consider the proposal for correction of spelling/figures or obvious mistake as expeditiously as possible and in any event within the next eight weeks.

12. Subject to the aforesaid indulgence, the petition is dismissed.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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