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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4308 OF 2024

SANCHIT SADASHIV CHABHARKAR

....Petitioner

VERSUS

THE DIVISIONAL SECRETARY MAHARASHTRA STATE BOARD OF
SECONDARY AND HIGHER EDUCATION AND OTHERS

.....Respondent

.....

Advocate for the Petitioner : Ms. MEDHA PRAMOD PATEL, h/f. MR.
DHANANJAY A. MANE

AGP for Respondents: Mrs. M.N. GHANEKAR.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 24TH APRIL, 2024.

P.C. :-

1. Present petition has been filed for the following reliefs :-

(B) The Writ Petition may kindly be allowed and the order dated 12.03.2024 bearing outwrad No. ZPN/Shivi/M-2/2022-2023/1480 passed by the Ld. Education Officer (Secondary) Zilla Parishad, Nanded may kindly be quashed and set aside;

(C) The Writ Petition may kindly be allowed and the respondent authorities may kindly be directed to make necessary correction in the school record as well as S.S.C. Board record in respect of surname of the petitioner in view of Rule 26.4 of the Secondary School Code, as expeditiously as possible.

(D) The Writ Petition may kindly be allowed and the respondent authorities may kindly be correct the surname of

the petitioner as “Chabharkar” instead of “Chabharekar” in the school record as well S.S.C. Board record in view of Rule 26.4 of the Secondary School Code as expeditiously as possible.

2. Heard learned advocate for petitioner and learned AGP for respondent No.2 after she waives notice.

3. Taking into consideration the impugned order dated 12.3.2024, which is passed only by respondent No.2 it is not necessary to issue notice to respondent Nos. 1 and 3.

4. It appears that surname of the petitioner needs to be corrected according to him in the school record and thereafter, in the SSC Board record. The application was filed by the petitioner with respondent No.3 and thereupon, respondent No.3 had recommended the change in his surname. However, said communication by respondent No.3 was rejected by the respondent No.2 by quoting Rule 26.4 of the Secondary School Code and stated that since now the petitioner is not taking education in the school, said correction can not be made. It appears that, as respondent No.2 has not considered the Full Bench decision of this Court in the case of “*Janabai Himmatrao Thakur vs. The State Of Maharashtra And Others*” reported in (2019) 6 MAH LJ 769. When the said correction needs to be done though the petitioner/student is not the student of the school, still, the jurisdiction would lie and such correction can be effected; respondent No.2 ought to have allowed said application of the petitioner. Therefore, in view of the Full Bench decision of this Court in the matter of *Janabai (supra)*, impugned order dated 12.03.2024 deserves to be set aside and matter deserves to be relegated. Hence, we pass following order :-

ORDER

[A] Writ petition stands partly allowed.

[B] The impugned order dated 12.3.2024 is hereby set aside.

[C] Respondent No.2 shall consider the said application in the light of the Full Bench of this Court referred above, in which it has been held that consideration can be given to the application by the Ex-student also. Such decision be taken by respondent No.2 within a period of 15 days from today.

[D] Applicant to appear before the respondent No.2 on 26.4.2024. The decision so taken be communicated to the petitioner within a period of one week after it is taken.

[E] Writ petition stands disposed with aforesaid directions.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-