



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 15067 OF 2025

Mohammadmustafa Saberpasha Shaikh

VERSUS

The State of Maharashtra and others

Mr. A. A. Khande, Advocate for petitioner

Mr. U. B. Bondar, Advocate for respondent No. 4

Mr. R. S. Wani, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 15th December, 2025

PER COURT :-

1. Present petition has been filed for correction of name of petitioner and his father in the school record. The petitioner submits that his correct name is "Mohammadmustafa" and his father's correct name is "Saberpasha" however, in the school record petitioner's name has been wrongly mentioned as "Muhammad Mustafa" and his father's name has been wrongly mentioned as "Saler Pasha. The petitioner has filed his Birth Certificate wherein his name is mentioned as "Mohammadmustafa" and his father's name is mentioned as "Saberpasha". Respondent Nos. 5 and 8 by impugned order dated 18.08.2025 and 29.09.2025 respectively rejected the application on the ground that they have no rights for changing the name. The petitioner is relying on the Full Bench decision of this Court in **Janabai Himmatrao Thakur vs. State of Maharashtra and others**, [AIR OnLine 2019 Bombay 1055].

2. We are coming across many such orders, in spite of the decision of this Court in **Janabai Thakur** (supra), stating that the

applicant/petitioner is not taking education in the school and, therefore, the authority has no jurisdiction or power to make changes in the school record. While allowing the present petition, we direct respondent No.1 to apprise the concerned authorities about the Full Bench decision of this Court in **Janabai Thakur** (supra) and not to reject the applications on the ground that the person is not taking education in the school. The interpretation in respect of Rule 26.4 of Secondary School Code has been interpreted by this Court and that interpretation is binding on all the authorities. Even after apprising the authorities by respondent No. 1, if we come across such orders, then this Court will consider such orders as contempt.

3. With these observations, the writ petition stands allowed.

4. Respondent No. 8 is directed to forward the proposal to respondent No. 6 in respect of change in the name of the petitioner and his father. After receipt of such proposal, respondent No. 6 is directed to issue order and grant the proposal forwarded by respondent No. 8 in respect of change in the name of petitioner and his father in the school record within a period of 15 days from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi