

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.18614 OF 2024

- | | | |
|--|---|-----------------------|
| 1. Ozzie Julie Pereira (Minor) |] | |
| Through Natural Mother – Julie Jeffery D’Souza |] | |
| 2. Julie Jeffery D’Souza, |] | |
| R/of Vasai, Palghar |] | |
| 3. Jeffery Roque D’Souza, |] | |
| R/of Vasai, Palghar |] | .. Petitioners |

Versus

- | | | |
|--------------------------------------|---|-----------------------|
| 1. State of Maharashtra, |] | |
| Through Education Department, |] | |
| (Secondary Section), Zilla Parishad, |] | |
| Boisar Road, Palghar |] | |
| 2. St. Augustine High School, |] | |
| Vasai, Palghar |] | .. Respondents |

Ms. Sunitha Perumal with Mr. Dilip G. Bhandari, Advocates for the Petitioners.

Mr. N.C. Walimbe, Additional Government Pleader with Mr. N.K. Rajpurohit, Assistant Government Pleader for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 10TH JANUARY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioner no.2 is the natural mother of the petitioner no.1 – a minor. The petitioner no.2 had married one Shri. Khayyum Amir Sheikh and from the said wedlock, the petitioner no.1 was born. By a judgment dated 4th July 2015, the petition for divorce by mutual consent under Section 28(1) of the Special Marriage Act, 1954 was allowed and the marriage between the petitioner no.2 and her husband – Shri. Khayyum Amir Sheikh was dissolved. The custody of their son was to remain with the mother – petitioner no.2. After this order, the petitioner no.2 changed the name of the minor son from Ayan Khayyum Sheikh to Ozzie Julie Pereira. Thereafter, the petitioner no.2 married the petitioner no.3. They desired to change the name of the minor from Ozzie Julie Pereira to Ozzie Jeffery D’Souza. Accordingly, a Gazette Notification to that effect was published on 11th July 2019. On that basis, the petitioner nos.2 and 3 sought to change the name of the petitioner no.1 in the school record. Accordingly, application dated 9th July 2024 was moved by the respondent no.2-School before the respondent no.1 – Education Officer (Secondary), Zilla Parishad, Palghar. This application has been rejected on 17th October 2024 on the ground that as the custody of the minor was to remain with petitioner no.2 and her name had been given to the child, the change was not permissible. It was further stated that frequent changes in the name of the child could not be made. The petitioners have thus challenged the said order.

3. In the affidavit-in-reply filed by the respondent no.1, reference is made to Government Resolution dated 24th February 2010 wherein it is stated that after obtaining divorce, a change in the name / surname could be made by having a Gazette Notification published. If the mother desires to have her name transposed, an affidavit before the Executive Magistrate was required to be filed. It is further stated that since the name of petitioner no.1 was changed on an earlier occasion, a frequent change was not permissible.

4. Having heard the learned counsel for the parties and having perused the documents on record, we do not find that there should be any objection to the change in the name of petitioner no.1 as proposed by the petitioner nos.2 and 3. The petitioner no.2 being the natural mother has consented for changing the name of petitioner no.1 from Ozzie Julie Pereira to Ozzie Jeffery D'Souza. There is no bar under the Government Resolution dated 24th February 2010 that after re-marriage following an earlier divorce, there could not be any change in the name of the minor born from the earlier wedlock. There is no justification given by the Education Officer (Secondary) to observe that frequent changes cannot be made. The petitioner no.2 having legally separated from her earlier husband and having thereafter married petitioner no.3 coupled with the fact that the change of name of petitioner no.1 has been published in the

Government Gazette dated 11th July 2019, the change as proposed ought to be allowed.

5. Hence, for aforesaid reasons, the communication dated 17th October 2024 issued by the Education Officer (Secondary) is set aside. The Education Officer (Secondary) shall pass a fresh order on the proposal of respondent no.2 dated 9th July 2024 within a period of two weeks from receiving copy of this order and incorporate the change in the name of petitioner no.1 as proposed.

6. Rule is made absolute in the aforesaid terms. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]