

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

WRIT PETITION NO.2748 OF 2025

Sayma Ashpak Mujawar

.....Petitioner

Vs.

State of Maharashtra and Ors.

....Respondents

Mr. Rajaram Bansode for the Petitioner.

Mr. A. C. Bhadang, AGP for the State.

NIKITA
KALAS
DABARE
ADVOCATE
SPECIALIZING IN
CIVIL & CRIMINAL
LAW

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 27th FEBRUARY, 2025

P.C. :-

1. The Petitioner desires that her surname ‘Sayma Ashpak Shaikh’, be changed to ‘Sayma Ashpak Mujawar’, because she approached the Maharashtra Government Gazette and got her name changed from Sayma Ashpak Shaikh to Sayma Ashpak Mujawar.

2. Heard the learned Advocates for the respective sides.

3. The change has occurred vide the Maharashtra

Government Gazette dated 14th July, 2022. Disclaimer on the said gazette is that “*Government accepts no responsibility as to the authenticity of the contents of the notice. Since they are based entirely on the application of the concerned persons without verification of documents*”. The Petitioner’s entire school record indicates her name as Sayma Ashpak Shaikh. The SCC certificate is also in the name of Sayma Ashpak Shaikh.

4. The Full bench of this Court has delivered a judgment in the case of **Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra** reported in (2019) 6 MAH LJ 769, wherein this court held in paragraph Nos. 39 (a) to (d) as under:

“39. This being the position, We answer Question Nos.(A) &

(C) in the following terms:

(a) An application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.

(c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of 'obvious mistakes', can be

made, even after the student has left school in light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.

(d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above.”

5. This is the law crystallized by the Full bench of this Court. If there is an obvious mistake or a typographical error, even if the student has left the school, the name can be corrected. In the instant case, we are unable to believe the story of the parents of the Petitioner that they had lost sight of the fact that their daughter has been mistakenly named as Sayama Ashpak Shaikh, for 10 years when she was in school. The father has to fill admission forms, pay the fees, sign on the report cards, visit the school for the Teachers-Parents meet, etc. The father is a witness to the education of the child for 10 years in school. He cannot mistake the surname of his daughter for 10 years.

6. The learned AGP for the State submits that because of her surname in the SCC certificate, the Petitioner will not fall in OBC category. The Petitioner got her name changed, only because

the surname Shaikh would not fall in the category of OBC. This is the statement of the Petitioner in her pleadings in paragraph No.8 of the petition.

7. When the Petitioner herself got her surname changed, it is not an obvious mistake in the records. She changed her surname from Sayma Ashpak Shaikh to Sayma Ashpak Mujawar. However, the view taken by the Full bench of this Court, is an impediment for the Petitioner. Because of her convenience and to obtain a OBC Validity Certificate, she may have changed her surname. Nevertheless, the correction in the school records would be permitted if the mistake was obvious. We do not find any such element of mistake involved in this case. The Petitioner had approached the Maharashtra Government Gazette to have a new surname as 'Mujawar', on the ground that her father also carries the surname 'Mujawar'.

8. In view of the above, the **Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)