



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.825/2025

Mangesh Kishor Suryawanshi .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. Awchat, Advocate for petitioner.
Mr. A. B. Badar, A.G.P. for respondent Nos. 1 to 3.
Mr. V. M. Kulsange, Advocate for respondent No.4.
Mr. A. Parchure, Advocate for respondent No.5.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.
DATE : DECEMBER 11, 2025.

Heard.

2. Petitioner has approached this Court seeking correction in marksheets, Secondary School Certificate and Higher Secondary Certificate issued by Divisional Secretary, Amravati Division of Maharashtra Secondary Board of Secondary and Higher Secondary Education, Pune.

3. Name of mother of petitioner is mentioned as 'Seema', whereas her name is 'Bhimabai'. The certificates were issued in the years 2008 and 2010 respectively. In the school records, name of the mother is not mentioned.

4. We were informed that the name, Seema is reflected in Board's certificate, as communicated by respondent No.4 – School. The petitioner has then submitted various documents to respondent No.2 and made a request to change the name of his mother to Bhimabai. Accordingly, respondent No.4 issued communication dated 11.08.2023 to respondent No.5 – Board, saying that it has no objection if the name of petitioner's mother is changed from Seema to Bhimabai. The necessary documents were annexed with the letter.

5. It appears that similar such letter was issued by respondent No.4 to respondent No.2. It is dated 28.08.2023 (Annexure 7). The documents, however, were not supplied to respondent No.2. In the letter, a reference is made to oral direction given by respondent No.5 to make necessary correction in the school record and to forward his proposal and if such proposal is forwarded, appropriate action could be taken.

6. Respondent No.2 has referred to Rule 26.4 of the Secondary School Code to deny the relief saying that as per the said rule, correction in School record is permissible only till the student is taking education in the school. In the present case, since the petitioner has left the School, correction could not be made.

7. The question, therefore, is whether there is an absolute bar to make correction in the school record or other such record in terms of Rule 26.4 of The Secondary School Code? The question has been answered by this Court in *Arshad Khalid Vs. State of Maharashtra [2012 (4) Mh.L.J 646]*. The petitioner therein sought correction in his first name in the School Leaving Certificate, passing certificate and marksheet, etc. The High Court allowed the petition. The Deputy Director of Education, Mumbai was directed to consider the prayer/request of the petitioner for correction in his first name in following terms:

“8. The learned A.G.P for the respondent Nos. 2 and 3 pressed into service unreported judgment of this Court in the case of Azam Khan s/o Dagd Khan Pathan (supra) to contend that, such correction in the first name by the petitioner in the school record cannot be entertained once candidate has left the school. In our opinion, said argument is devoid of any merits. In case of Azam Khan s/o Dagd Khan Pathan (supra), in the facts of that case, this Court in para-7 of the judgment noticed that the school leaving certificate which was placed on record of the

petitioner therein is dated 10-06-1972. The petitioner therein did not produce either school leaving certificate issued by the previous school or the record on the basis of which, the original entries were effected in the general register/leaving certificate. The only basis on which the petitioner sought correction, is the duplicate school leaving certificate issued sometime in May, 2009 of his brother Hussain Khan Pathan. The petitioner therein did not produce any document on record in support of his claim and therefore, this Court in the facts of that case, rejected the writ petition filed by the petitioner therein. However, in the present case, the copy of the Government Gazette is placed on record by the petitioner in which it clearly appears that, the Government authorities by issuing notification in official gazette have published the corrected first name of the petitioner as "Arshad" in stead "Ashaad". The said document is not considered at all by the respondent authorities. The respondent authorities and in particular Deputy Director of Education, Mumbai Region, Mumbai declined to entertain the prayer of the petitioner merely relying upon the provisions of Rule 26.3 of the Secondary School Code.

In our opinion, in the facts and circumstances of this case, the respondent authorities ought to have invoked Rule 26.4 of the Secondary School Code and Appendix Six below said Rule. In our opinion, the provisions of Rule 26.4 enables even a student no longer studying to apply to the concerned Officer to make correction in the change in first name based on the documentary evidence available. Appendix Six to the said Rule in unequivocal term provides for procedure for correction in the name or surname as the case may be. Therefore, it is clear that the Government authorities are not powerless to entertain the prayer for correction in name or surname as the case may be. Therefore, in the facts and circumstances of this case, we are convinced that the respondent Deputy Director of Education, Mumbai Region, Mumbai and School Inspector ought to have considered the prayer of the petitioner for correction of his first name in the school leaving certificate and all other school/college record in relation to the petitioner."

8. Thus, the Court has held that the Government authorities are not powerless to entertain the prayer for correction in the name or surname, as the case may be, saying that Rule 26.4 enables even the students no longer studying to apply to the concerned officer to make correction, which should be based on the documentary evidence. We may mention here that the Board has entered in certificate the name of mother of the petitioner only on the basis of communication made by respondent No.2-School and not on the basis of school record. If such was the case, we find no reason why should board now ask respondent No.2 to first correct school record and then to send it for correction.

9. On the point of delay, the petitioner is seeking correction after gap of about 15 years of passing Board's examination because he intends to appear for competitive examinations where he is required to submit the name of mother. Thus, there are valid reasons for approaching belatedly.

10. We accordingly, request respondent Nos. 2, 4 and 5 to consider the request, in the light of the law laid down by this Court in the aforesaid case and proceed to correct name, if there is no other legal impediment.

11. Respondent Nos. 2, 4 and 5 shall complete this exercise within two weeks from today.

12. Stand over to 24.12.2025.

(JUDGE)

(JUDGE)

Kahale