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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9114 OF 2024

Shoaib Riyaz Pathan

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

Mr. Tushar C. Shinde, Advocate for the Petitioner

Mr. S. R. Wakale, AGP for Respondent - State

Mr. S. S. Kote h/f Mr. Mr. A. U. Peche, Advocate for Respondent No.3

[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 4th MAY, 2026

ORDER :

1. By this Petition, the Petitioner challenges communication dated 7th August, 2024 of Respondent No.3 School, rejecting the proposal of the Petitioner seeking change / correction in his name, in the school record.

2. It is the case of the Petitioner that, name of the Petitioner, in the school record, is '*Patel Shoaib Riyaz*'. The Petitioner approached Respondent No.3 for correction of his name, as '*Pathan Shoaib Riyaz*'. In support of his claim, the Petitioner submitted school leaving certificate of his father, wherein his

father's name is mentioned as "*Riyaz Ibrahim Pathan*". The Petitioner also got his name changed in official gazette from "*Shoaib Riyaz Patel*" to "*Shoaib Riyaz Pathan*".

3. By application dated 6th August, 2024 the petitioner requested Respondent No. 3 – Headmaster to correct his name as "Shoaib Riyaz Pathan". By the impugned communication dated 7th August, 2024, the Principal rejected the proposal of the Petitioner, by relying on clause 26.4 of the Secondary School Code, stating that only the students taking education in the School can apply for change in name etc, however, since the Petitioner has already left the school, his request cannot be considered.

4. Heard learned Advocate for the Petitioner, learned Advocate for Respondent No.3 and learned AGP for the State and the Education Officer. Perused the record.

5. Learned Advocate for Respondent No.3 submits that the Education Officer has orally directed Respondent No.3 to reject the proposal of the Petitioner, in view of clause 26.4 of the Secondary School Code.

6. Learned AGP supported the impugned communication.

7. Clause 26.4 of the Secondary School Code provides that an application for change or correction of date of birth, names, surname, caste etc., will be entertained only on behalf of pupil, who is attending the school. Such application shall not be entertained from or on behalf of the pupil, who has left the school, as the same amounts not only change in the entry in the General Register but also to a change in the school leaving certificate.

8. The case of the Petitioner is squarely covered by clauses "C" and "D" of the Full Bench Decision of this Court in "**Janabai Himmatrao Thakur**", 2019 (6) Mh.L.J. 769 : 2019 (6) AIR Bom R 565 which are as follows:

"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 accordance with (c)

above.”

9. In our opinion, there is sufficient material on record to effect the correction / change in the name of the Petitioner. This appears to be an obvious mistake, which needs to be corrected.

10. In the result, the Writ Petition is allowed in terms of prayer clauses “B” and “C”, which are as follows:

“B. By issue of writ of certiorari or any other appropriate writ, the impugned letter / communication dated 07/08/2024, passed by the Respondent No. 3- School, rejecting the proposal seeking change / correction in the name, may kindly be quashed and set aside.

C. By issue of writ of mandamus or any other appropriate writ, the Respondent No.2 – Education Officer (Secondary) Z. P. Chh. Sambhaji Nagar (Aurangabad) may kindly be directed to grant sanction for the change / correction of the name in school record as sought for by the petitioner by allowing the said application dated 06/08/2024.”

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE