
(2026) 01 BOM CK 1360

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No. 8022 Of 2025

Shabir Harun Ali Mulla

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 27-01-2026

Acts Referred:

Citation : (2026) 01 BOM CK 1360

Hon'ble Judges : R.G. Avachat, J;Ajit B. Kadethankar, J

Bench : Division Bench

Advocate : Chinmay R. Deshpande, T.J. Kapre, Mrunal Tavade, Vedantika Naik, Little and Co.

Final Decision : Allowed

Judgement

Ajit B. Kadethankar, J

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith. Considering the nature of the prayers made in the petition, the petition is heard inally.

Subject-matter:-

3. The petitioner seeks correction in his name in the record of his Secondary School Certificate Examination (S.S.C.) mark memo and S.S.C. examination passing certificate (Sanad). The petitioner's correct name is "Shabir Harun Ali Mulla". However, in the S.S.C. mark memo and S.S.C. passing certificate, his name has been recorded as "Mulla Shabiralli Arunalli".

4. Mr.Deshpande, learned counsel for the petitioner, would submit that the petitioner is born on 25.09.1981, at Vadgaon Tq. Khatav, Dist. Satara. He would submit that in the year 1999, the petitioner cleared his S.S.C. examination conducted by respondent no.2 – Maharashtra State Board of Secondary and Higher Secondary Education. Accordingly, respondent no.2 – Board issued the mark memo and S.S.C. passing certificate in the name of the petitioner. However,

the petitioner's name has been wrongly recorded on both these documents as "Mulla Shabiralli Arunalli".

5. The petitioner later joined the services of Central Reserve Police Force (C.R.P.F.) and by now, has completed about twenty years of his service. Now, the petitioner intends to opt for voluntary retirement. While preparing and submitting the proposal for his voluntary retirement, it was noticed that there was discrepancy in the actual name of the petitioner and the name recorded in the S.S.C. mark memo and S.S.C. passing certificate. Mr. Deshpande, learned counsel would submit that the petitioner approached respondent no.3 - School to verify as to when and how the discrepancy has occurred. The petitioner came to know that while recording the petitioner's name in the General Register of respondent no.3, a clerical error has been committed by the then official whereby the petitioner's name has been incorrectly recorded in the General Register. It is but obvious that the incorrect name has thus been reduced on the S.S.C. mark memo and S.S.C. passing certificate. When the petitioner brought this error to the notice of respondent no.3, a letter coupled with a proposal dated 20.07.2024 was submitted by the Principal of respondent no.3 - school to the Education Officer for carrying out correction in the S.S.C. record of the petitioner.

6. The Education Officer - respondent no.4 verified the record and was satisfied that it was a technical error it to be rectified at the end of respondent no.2. Accordingly, the Education Officer vide his letter dated 25.9.2024 recommended correction in the petitioner's name in the record of the respondent no.2 - Board. The petitioner is in dire need of correction of the clerical error which has resulted into incorrect name details. The petitioner submitted that since the petitioner has to opt for voluntary retirement from his services, he would face a number of difficulties due to the discrepancy in his actual name and the incorrect name entry in the S.S.C. record. As such, the petitioner seeks direction to respondent no.2 to rectify the clerical error in his S.S.C. record and to issue corrected S.S.C. mark memo and the S.S.C. passing certificate.

7. Learned AGP for respondent - State would submit that the Education Officer has got himself satisfied that petitioner's case was it for rectification of error in the name details on the S.S.C. record. She further submits that accordingly the Education Officer has already recommended petitioner's case to respondent no.2 for necessary correction.

8. Ms.Tavade, learned counsel appearing for respondent no.2 - Board, would however object for grant of the prayers made in the Writ Petition. She would submit that once the petitioner has left the school there could be no correction in the name of the petitioner in the S.S.C. record. An affidavit in reply has been filed by the respondent no.2. The relevant portion reads as follows:-

"4. At the outset, as per the provisions of Secondary School Code viz. the Rules framed under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 more particularly Rule 26.3 states that application for change

or correction of name in the General Register shall not be allowed without the previous permission of the appropriate authority and shall not be carried out if the student has left the school. Furthermore, Rule 26.4 states that such application shall not be entertained if the student has left the school, as the same amounts to change in the entries in the General Register and change in the School leaving Certificate.

5. The facts germane to the above Petition are as follows:

a. I say and submit that the Secondary School Code is having statutory authority ensuring that it is binding on schools and is a legally enforceable set of rules. Further the Code governs various aspects of school management, including recognition, admission, staff conditions of service and grants-in-aid.

b. I reiterate that as per Secondary Schools Code Rules 26.1 and 26.2 a pupils name shall not be entered in the General Register until he/she is formally admitted and the date of birth shall be entered in the General Register in words and figures from the date given in the School Leaving Certificate respectively.

c. I say and submit that under Clause 26.3 and Clause 26.4 of the Secondary Schools Code which reads as under:-

9. At this juncture, we may beneicially place our hands on the law laid down by the Full Bench of this court in reference case in Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and others, 2019(6) Mh.L.J. 769. The concluding paragraph 39 thereof refers to the Answer, which reads thus:-

39. This being the position, we answer Question Nos.(A) and (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.

10. Taking into consideration the facts of the present case and consistency of the record which bears petitioner's correct name, we are of the opinion that the error in the name of the petitioner on the S.S.C. record can be categorised as "obvious mistake" in terms of paragraph 39(c) of the judgment in Janabai's case (Supra).

11. Mr.Deshpande learned counsel, then relies upon the latest order dated 26.11.2025 passed by this court at Aurangabad Bench in Shruti Pramod Pardeshi Vs. The State of Maharashtra and others, Writ Petition No.14175 of 2025 decided on 26.11.2025, which reads as follows:-

1. Present petition has been filed for correction of caste in the school record. The petitioner submits that his caste is "Lohar" however, in the school record it has been wrongly mentioned as "Rajput Bhamta" The petitioner has filed Leaving Certificate of her grandfather wherein his caste is mentioned as "Lohar". Respondent No. 2 by impugned order dated 19.03.2025 rejected the application on the ground that the the petitioner is not taking education in the school. 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. 2 is directed to issue order and grant the proposal forwarded by respondent No. 3 in respect of change in the caste of petitioner in the school record within a period of 15 days from today.

5. Time and again it has come to our notice that in spite of there being a judgment of the Full Bench of this Court in Janabai Thakur (supra) and also several orders thereafter passed by this Court, the officers are repeatedly passing the orders contrary to the said judgment which leads to several litigations being filed in the High Court. We, therefore, feels it appropriate to direct the Principal Secretary of School Education and Sports Department, Mantralaya, Mumbai, to issue appropriate orders there by circulating the above mentioned judgment to all its officers in the department with a clear direction to follow the order in its true letter and spirit. Henceforth, any disobedience of the

order is observed or brought to our notice will attract the provisions of Contempt of Court Act and the Erring Officers will be held in contempt under the said act.

12. In the instant case, the petitioner has convinced the Education Officer that the S.S.C. record pertaining to his name is a clerical error occurred due to the record of General Register maintained by respondent 3 – School and the record accordingly prepared by respondent no.2. The respondents have not made out any case of any fraud, manipulation of record or misrepresentation of the facts at hands of the petitioner.

13. Need of the petitioner for correction in his S.S.C. record also seems to be bona fide one, as he is presently serving in C.R.P.F., where for his pensionary benefits, correct name details are required by his employer department. Considering these facts, we are satisfied that the petitioner has made out a case for allowing the Writ Petition.

14. At this juncture, Mr.Deshpande, learned counsel for the petitioner, submits that the petitioner is presently on his duty in a Naxalite area and bona fide unable to come personally to receive his corrected S.S.C. mark memo and the S.S.C. passing certificate. Mr.Deshpande would further submit that his client has authorised him to collect the corrected S.S.C. mark memo and the S.S.C. passing certificate for and on his behalf. Mr.Deshpande, learned counsel, undertakes to receive the S.S.C. mark memo and the S.S.C. passing certificate and hand it over to the petitioner.

15. Ordinarily, we would not have ordered the petitioner to pay the fees for the error committed by the school. However, considering the delay on the part of the petitioner in noticing the error and applying for correction, we direct that the petitioner shall pay the requisite fees for correction. Learned counsel for the petitioner states that the petitioner is ready to pay the fees as is applicable.

16. In the light of the above, we pass the following order:-

(i) The Writ Petition is allowed.

(ii) The petitioner shall submit his original mark memo and original S.S.C. passing certificate to respondent no.2 – Board within a period of four weeks from today and shall pay the requisite fees. Thereupon, respondent no.2 shall carry out the necessary correction in the petitioner's name on S.S.C. mark memo and the S.S.C. passing certificate recording his correct name as "Shabir Harun Ali Mulla", within a period of four weeks thereafter.

(iii) Respondent no.2 – Board shall hand over the corrected S.S.C. mark memo and the S.S.C. passing certificate to Mr.Chinmay R. Deshpande, Advocate for the petitioner.

(iv) Rule is made absolute in the above terms.