

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 834 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

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Approved for Reporting	Yes	No
	Yes	

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KRISHA DINESHKUMAR PANKHANIYA MINOR THROUGH
DINESHKUMAR BABULAL PANKHANIYA

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR ABHISHEK R SHARMA(10751) for the Petitioner(s) No. 1

MR VIMAL A PUROHIT(5049) for the Petitioner(s) No. 1

MR ADITYA DAVDA AGP for the Respondent(s) No. 1

MR AD OZA(515) for the Respondent(s) No. 3

NOTICE SERVED BY DS for the Respondent(s) No. 2,4

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CORAM:HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**Date : 27/03/2026****JUDGMENT**

1. **Rule**, returnable forthwith. Mr. Aditya Davda, learned AGP waives service of notice of rule on behalf of respondent No.1 and Mr. A.D. Oza, learned counsel waives service of notice of rule on behalf of respondent No.3. Though, served respondent Nos. 2 and 4 have

chosen not to remain present before this Court.

2. With consent of the learned counsel appearing for the respective parties, the matter is taken up for final hearing today.

3. Present petition is filed by the petitioner under Articles 226 and 227 of the Constitution of India r/w the provisions of Registration of Birth and Death Act, 1969 against the letter/communication dated 17.7.2023 as well as dated 06.11.2023 issued by respondent No.2, seeking below mentioned relief/s:-

"16(A) YOUR LORDSHIPS be pleased to admit and allow this petition;

(B) YOUR LORDSHIPS may be pleased to issue writ of mandamus or any other appropriate writ, order or direction, quash and setting aside the impugned letter/communication dated 17.7.2023 as well as dated 06.11.2023 issued by Respondent No. 2 authority and further be pleased to direct the respondent authorities to correct the name of the Petitioner from "Pankhaniya Krisha Dineshbhai" (incorrect) to "Pankhaniya to Krisha Dineshkumar" (Correct) in the School Leaving certificate and also be pleased to direct the respondent authority to issue corrected School Leaving certificate as well as Secondary School Certificate Examination as well as Statement of Marks in the interest of justice; (At Annexure A(Colly), B(Colly) and C(Colly)).

(C) YOUR LORDSHIPS may be pleased to direct grant such other and further reliefs as may be deemed fit and proper, in the interest of justice and equity;"

4. The facts giving rise to present petition are that the

Petitioner was born on 13.01.2006 at Porbandar and initially studied under the Gujarat Secondary and Higher Secondary Education Board. After passing the 10th Standard from Respondent No. 3 school, the Petitioner shifted to a school affiliated with the Central Board of Secondary Education. Respondent No. 3 erroneously issued the Statement of Marks and Secondary School Certificate in the name of the Petitioner as “Pankhaniya Krisha Dineshbhai” instead of the correct name “Pankhaniya Krisha Dineshkumar”. Subsequently, Respondent No. 4 also issued a School Leaving Certificate dated 08.06.2022 reflecting the same incorrect name due to a clerical error.

4.1 The correct name of the Petitioner as per the Birth Certificate and Aadhaar Card is “Pankhaniya Krisha Dineshkumar”, and the name of the Petitioner’s father is consistently recorded as “Dineshkumar” in all official documents including Birth Certificate, Aadhaar Card, PAN Card, Election Card, and Passport. The aforesaid discrepancy has arisen due to an inadvertent mistake on the part of the school authorities.

4.2 The Petitioner and Respondent No. 4 approached Respondent No. 2 for correction of the father’s name in the educational records. However, the application dated 17.07.2023 was rejected on technical grounds citing non-compliance with Rule 12(A) of the Gujarat Secondary and

Higher Secondary Education Rules, 1974, and further communication dated 31.07.2023 also refused the request. Thereafter, the Petitioner's father executed an affidavit before the Executive Magistrate, Porbandar affirming the correct name, and a fresh application dated 02.11.2023 was submitted. However, the same came to be rejected again on 06.11.2023 on the ground that the application was required to be routed through the school, despite the Petitioner having already changed the Board of Education.

4.3 The aforesaid rejection is arbitrary and contrary to the settled legal position, particularly when the Birth Certificate, being a statutory document of high evidentiary value, clearly establishes the correct name of the Petitioner and her father.

4.4 In view of the above facts, the petitioner has preferred present petition.

5. Heard Mr. Abhishek Sharma, learned counsel for the petitioner, Mr. Aditya Davda, learned AGP for respondent No.1 and Mr. Meet Shah, learned counsel for Mr. A.D. Oza, learned counsel for respondent No.3.

6. Learned counsel for the petitioner has submitted that the impugned communications dated 17.07.2023 and 06.11.2023 issued by Respondent No. 2 are wholly

arbitrary, illegal, and contrary to the settled principles of law, and therefore deserve to be quashed and set aside. It is submitted that the error in the name of the father of the petitioner is purely clerical and inadvertent in nature. The Respondent No. 3 initially recorded the name of the petitioner as “Pankhaniya Krisha Dineshbhai” instead of “Pankhaniya Krisha Dineshkumar” in the Statement of Marks and Secondary School Certificate, which error was subsequently carried forward by Respondent No. 4 while issuing the School Leaving Certificate.

6.1 Learned counsel for the petitioner has submitted that all authentic and statutory documents, including the Birth Certificate, Aadhaar Card, PAN Card, Election Card, and Passport, consistently reflect the correct name of the petitioner and her father as “Dineshkumar.” The Birth Certificate, being a statutory document issued under the provisions of the Registration of Births and Deaths Act, 1969, carries high evidentiary value and ought to have been duly considered by the respondent authorities. He has submitted that despite submission of such cogent documentary evidence, Respondent No. 2 rejected the application on hyper-technical grounds by insisting upon compliance with Rule 12(A)(5) and 12(A)(6) of the Gujarat Secondary and Higher Secondary Education Rules, 1974, without appreciating the peculiar facts of the present case.

6.2 Learned counsel for the petitioner has submitted that after passing the 10th Standard, the petitioner changed her school as well as the Board of Education from the Gujarat Secondary and Higher Secondary Education Board to the Central Board of Secondary Education (CBSE). In such circumstances, the requirement of routing the application through the school becomes impractical and impossible to comply with, as there is no provision under the Rules governing such a situation involving different educational boards. He has submitted that the petitioner has nevertheless made *bona fide* efforts by submitting applications through the school as well as independently and has also supported her claim by way of an affidavit executed before the Executive Magistrate, Porbandar. However, the respondent authorities have failed to consider the same in its proper perspective.

6.3 Learned counsel for the petitioner has submitted that the issue involved in the present case is no longer res integra and is squarely covered by the judgments of this Hon'ble Court. In the case of Vasudev Prahladbhai vs. State of Gujarat reported in 2019 (2) GLR 1474, this Hon'ble Court has held that the Birth Certificate is a document of high evidentiary value and must be relied upon for correction of entries in school records. Similarly, in Muskanben Shabbirahemad Mansuri vs. Gujarat

Secondary and Higher Secondary Board (SCA No. 11510 of 2020), this Hon'ble Court directed correction of the name of the father and date of birth in school records on the basis of the Birth Certificate and other authentic documents. Further, in *Nidhiben w/o Parth Patel vs. Gujarat Secondary and Higher Secondary Education Board* (SCA No. 16622 of 2023), this Hon'ble Court exercised jurisdiction under Article 226 of the Constitution of India and granted relief without relegating the petitioner to alternative remedies under Rule 12A.

6.4 In view of the settled legal position, the insistence of the respondent authorities on procedural technicalities is unjustified, especially when the genuineness of the documents produced by the petitioner is not in dispute. He has submitted that this Court may be pleased to quash and set aside the impugned communications dated 17.07.2023 and 06.11.2023 and direct the respondent authorities to correct the name of the petitioner's father from "Dineshbhai" to "Dineshkumar" in the School Leaving Certificate, Statement of Marks, and Secondary School Certificate, and to issue fresh corrected certificates within a stipulated time period, in the interest of justice.

7. On the other hand, Mr. Meet Shah, learned counsel for Mr. Oza, learned counsel for respondent No.3

vehemently objected present petition.

7.1 Learned counsel for the respondent No.3 has submitted that the petition is misconceived and liable to be dismissed as the respondent authorities have acted strictly in accordance with the Gujarat Secondary and Higher Secondary Education Rules, 1974. He has submitted that the petitioner has failed to comply with the mandatory procedure prescribed under Rule 12(A), particularly the requirement of routing the application through the concerned school. He has submitted that such procedural compliance is essential to ensure authenticity of records and cannot be waived and mere production of documents like Birth Certificate or Aadhaar Card does not entitle the petitioner to seek correction dehors the prescribed procedure. He has submitted that the impugned communications are legal, proper, and passed after due consideration, and therefore no interference is warranted under Article 226 of the Constitution of India.

8. I have perused the materials and relevant documents available on record. I have also gone through the record of the petition.

9. Upon consideration of the aforesaid facts, it appears that the discrepancy in the name of the Petitioner is

purely clerical and inadvertent in nature, having occurred at the instance of the concerned school authorities, and the same cannot be attributed to any fault on the part of the Petitioner. It is further observed that the Birth Certificate and other government-issued documents such as Aadhaar Card, PAN Card, Election Card and Passport consistently reflect the name of the Petitioner as ***“Pankhaniya Krisha Dineshkumar”***, thereby conclusively establishing the correct identity of the Petitioner. It is also observed that the Petitioner has acted bona fide and has taken all necessary steps to seek rectification of the error by approaching the competent authorities with requisite applications and supporting documents; however, the same have been rejected on technical grounds without proper appreciation of the material on record. Such rejection, despite the availability of cogent and reliable documentary evidence, appears to be arbitrary and not in consonance with the settled legal principles governing correction of clerical errors in educational records. It is further observed that the Birth Certificate, being a statutory document of high evidentiary value, ought to have been given due consideration by the Respondent authorities. In view of the above, it is observed that the Petitioner has established a genuine and legitimate case for correction of her name in the educational records, and the impugned communications rejecting such request deserve to be

interfered with in the interest of justice.

10. At this stage it is appropriate to refer the decision of this Court in case of ***Nitaben Nareshbhai Patel Versus State Of Gujarat reported in 2008 (1) GLR 884*** wherein this Court has after relying upon various decisions and relevant rules has allowed the petitions and observed that though the School Leaving Certificate reflects the incorrect name due to a clerical error, the same cannot override or prevail over statutory and primary documents like the Birth Certificate and other government records. It is further observed that the School Leaving Certificate is derived from earlier records and any mistake therein is capable of being corrected when supported by authentic evidence. Therefore, the discrepancy in the School Leaving Certificate deserves to be treated as a rectifiable error in light of Section 15 of the Act of 1969 and Rule 11 of the Rules, 2004. Hence, the authority is expected to consider such correction in a pragmatic manner to ensure consistency in official records.

11. It is also relevant to refer the decision of this Court in the case of ***Elizabeth Philip Thomas Versus State Of Gujarat reported in 2013 (0) GUJHC 9617*** wherein this Court has come to the conclusion that that Regulation 12(A) of the Gujarat Secondary Education Regulations, 1974 cannot be interpreted in a rigid or

restrictive manner so as to defeat a genuine claim for correction, particularly when the authenticity of the supporting documents is not in dispute. The authority is vested with sufficient power and is under an obligation to consider such request pragmatically rather than driving the petitioner to unnecessary litigation. Thus, the incorrect name recorded in the School Leaving Certificate being a result of a bona fide error, is liable to be corrected in light of reliable documentary evidence, in order to ensure that the true identity of the petitioner is accurately reflected in all educational records.

12. For the foregoing reasons and in view of the above-cited decisions, this Court is of the opinion that the present petition deserves to be allowed and the reliefs prayed for therein are required to be granted.

13. In view of the above, the present petition is hereby allowed in terms of paragraph No. 16(B). The impugned communications dated 17.07.2023 and 06.11.2023 issued by Respondent No. 2 are hereby quashed and set aside. Rule is made absolute.

14. The concerned respondent authority is hereby directed to correct the name of the petitioner from "**Pankhaniya Krisha Dineshbhai**" to "**Pankhaniya Krisha Dineshkumar**" and issue a fresh School Leaving Certificate within a period of six weeks from the date of

receipt of a copy of this order. Necessary changes shall also be carried out in other relevant records, as prayed for by the petitioner.

SURESH SOLANKI

Sd/-
(HEMANT M. PRACHCHHAK,J)