



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 15528 OF 2025

1. X.Y.Z.  
Age: 12 years, Occu.: Education  
(minor under guardianship of  
petitioner No.2)
2. A.B.C.  
Age: 37 years, Occu.: Housewife

Both R/o. C/o. Praphulabai Babasaheb Kadan,  
Ramabai Colony Khandeshwari Road, Beed,  
Tq. & Dist. Beed.

... Petitioners

Versus

1. The State of Maharashtra  
Through its Secretary,  
Education Department, Mantralaya,  
Fort, Mumbai.
2. The Education Officer,  
Higher Secondary, Zilla Parishad,  
Beed.
3. The Education Officer (Primary)  
Zilla Parishad, Beed.
4. The Head Master,  
Kankaleshwar Vidyalaya  
In front Akashwani Kendra,  
Khadkeshwar Road, Beed,  
Tq. & Dist. Beed.

... Respondents

.....  
Advocate for Petitioner : Sanghmitra Wadmare,  
AGP for Respondents Nos.1 and 2 : Mr. V.M. Kagne

.....

CORAM : SMT. VIBHA KANKANWADI AND  
HITEN S. VENEGAVKAR, JJ.

DATED : 02 FEBRUARY, 2026

**JUDGMENT [Per Hiten S. Venegavkar, J.] :-**

1. Rule. Rule made returnable forthwith. With the consent of learned counsel for both the sides, taken up for final hearing at admission stage.

2. This petition under Articles 226 and 227 raises, at first blush, what appears to be a routine prayer for correction of a minor student's name in school records. But it also carries a second prayer of far greater constitutional and human significance; the correction of the caste entry of the minor child from "Maratha" to "Scheduled Caste – Mahar" in the school record maintained by Respondent No.4 and supervised by Respondent Nos.2 and 3. In our view, the facts of the case, and the constitutional values that must govern State action when the identity, dignity and future of a child are at stake, compel relief to be granted.

3. Petitioner No.1 is a girl child aged about 12 years, studying in 6th Standard in the school of Respondent No.4. Petitioner No.2 is her single mother and natural guardian. The record placed before us shows that the biological father of Petitioner No.1 is the accused in a criminal case arising out of a sexual offence against Petitioner No.2, and that a DNA report during investigation confirmed paternity. The accused's name came to be reflected as "father" in the birth certificate and thereafter entered in permeated school and allied documentation.

{3}

4. A settlement/compromise is stated to have taken place between petitioner No.2 and accused-father on 14 December 2022 whereby the permanent custody of Petitioner No.1 remained with Petitioner No.2 and the accused was to have no role as natural guardian in future. Consequent thereto, Petitioner No.2 caused a Gazette notification for change of name of Petitioner No.1. On 9 April 2025, Petitioner No.2 moved Respondent No.4 seeking correction of the minor's name and caste entry in school records. Respondent No.4 forwarded the request to the Education Officer (Secondary). By communication dated 2 June 2025, the proposal was rejected on the ground that the Secondary School Code/School Code of Conduct does not permit such corrections. From these pleadings, the issues that arise are: (i) whether the authorities were justified in refusing to correct the minor's name in the school record; (ii) whether they were justified in refusing to correct the caste entry from "Maratha" to "Scheduled Caste – Mahar"; and (iii) what directions, consistent with statutory safeguards against misuse, must issue so that the minor's identity is protected without undermining the integrity of caste certification regimes.

5. Petitioner No.1 is about twelve years of age. Petitioner No.2 is her mother and, as the petition pleads and the record indicates, her only parent. The pleadings disclose that, at the stage of birth and early

{4}

documentation, the father's name came to be entered in the birth certificate and thereafter was carried into school records. Subsequent events, however, fundamentally altered the position: Petitioner No.2 has exclusive custody, shoulders full responsibility for upbringing, education and maintenance, and the father is not part of the child's life in any legal or functional sense. The petitioners assert, and it is not meaningfully rebutted, that continuation of the father's name and surname in the school record does not merely create an inaccuracy; it creates an avoidable social vulnerability for a child who must grow up, learn, and form her identity in society that often treat names as identity for family history. The relief is therefore not a matter of preference, but of ensuring that official records do not become instruments of compulsory and stigmatic attachment.

6. The respondents rejected the petitioners' representation by placing reliance upon the Secondary School Code and by asserting that such correction is not permissible. This stand cannot be accepted as a blanket proposition. Administrative registers exist to record facts in aid of welfare and governance; they are not meant to fossilise identity irrespective of changed circumstances, nor are they meant to compel the continuation of an entry merely because the form once required it. In Maharashtra, the State itself has, in recent years, moved decisively towards institutional recognition of the mother's identity as an essential

{5}

component of identity in government documentation. The Government Resolution dated 14 March 2024 records a policy rationale rooted in equality and dignity, and mandates that in government records, including school and educational documents, the mother's name be mandatorily included, with implementation from 1 May 2024. This is not an isolated policy flourish; it reflects the Government's recognition that mother-centric identity entries are not contrary to law, but are an affirmation of constitutional values in administrative practice. More importantly for our purposes, the said Government Resolution itself refers to earlier decisions of the School Education Department that require mother's name to be entered in school records and reflected in school leaving documentation, and it acknowledges that where custody is granted to the mother (for example, upon divorce), the mother may request that the child's name be recorded by placing the mother's name in place of the father's name, subject to prescribed conditions. When the State has itself accepted, as a matter of policy, that the mother's name is central to identity documentation and that paternal identifiers are not immutable where custody and welfare so require, it is difficult to comprehend how a subordinate authority may take refuge in a sweeping "no power" position and deny consideration to a request that is otherwise supported by documents and grounded in the welfare of a child.

7. The constitutional position admits of no ambiguity. Article 21 protects not merely existence, but life with dignity; and dignity includes the right to an identity that is not forcibly tethered to an absent parent where such tethering serves no welfare purpose and causes avoidable social harm. A school record is not a private note; it is a public document that follows a child across years, institutions, and sometimes into the professional domain. A child raised exclusively by her mother cannot be compelled to carry, as the State's chosen description of her, the father's name and surname merely because the format once demanded it. If the lived guardianship is maternal, the record cannot insist on paternal visibility as a matter of routine, and then call it administrative neutrality.

8. Article 14 of Constitution of India requires substantive equality. The assumption that identity must flow through the father is not a neutral administrative default; it is a social presumption inherited from a patriarchal structure that treated lineage as male property and women as appendages for purposes of public identity. To insist on this presumption in contemporary India, especially in cases of single motherhood and exclusive maternal custody, imposes a structural burden upon women and their children. It makes the mother fully visible for responsibility and accountability, but insufficiently visible for

purposes of identity. Such an asymmetry violates the equality principle, because it makes constitutional citizenship contingent upon a male conduit even when the male conduit is absent, severed, or irrelevant to welfare.

9. Article 15's promise of non-discrimination and Article 15(3)'s permission to protect women and children reinforce this. An administration that insists the father's name is indispensable but the mother's name is optional does not merely follow a "custom"; it reproduces inequality through documentation. The Directive Principles under Article 39(f) and Article 46, requires protection of children and advancement of Scheduled Castes, which further illuminate the State's duty to ensure that educational records do not become documents of stigma or injury. The question is not whether the State can accommodate the mother's identity; it is whether the State can refuse to do so when refusal harms the child and is justified only by bureaucratic habit. The Constitution requires the State to evolve.

10. The Full Bench of this Court in *Janabai d/o Himmatrao Thakur v. State of Maharashtra*, AIR OnLine 2019 Bombay 1055, has authoritatively construed Clauses 26.3 and 26.4 of the Secondary School Code and the Full Bench holds, *inter alia*, that an application for change in spelling of name, or "for that matter in the name, surname or

caste” are errors that fall within “obvious mistakes” and can be acted upon even after a student has left school, and that correction in the leaving certificate may be made to bring it in consonance with the General Register entries. The proposition that the school authorities cannot take a blanket position that “no correction is permissible” is therefore plainly untenable in law.

11. In the present case, the refusal is founded on precisely such a blanket proposition. It disregards the Full Bench exposition. Once a Gazette notification and supporting material is produced, and once the competent authority’s permission contemplated by the Code is approached in the manner prescribed, the request must be considered on its merits within the framework laid down by the Full Bench. Accordingly, to the extent the petition seeks correction of name, the petitioners are entitled to relief. We have no hesitation in holding that the impugned communication dated 2 June 2025 cannot stand to the extent it rejects the name correction request on the ground of non-permissibility. Once the petitioners submits the Gazette notification and supporting material, and once the competent authority under the Code is moved in the prescribed manner, the request must be considered on merits. A correction that substitutes the mother’s name and surname in place of the father’s name and surname, when the mother is the sole

{9}

guardian and caregiver, does not subvert any public purpose but it advances accuracy, protects the child's welfare, and aligns with the State's own policy direction that mother's name is mandatory in government documentation.

12. We now turn to the more difficult question, correction of caste entry of Petitioner No.1. Here, the State urges that the Code does not permit any alteration and that caste must ordinarily follow the father; it is further submitted that the petitioners must first obtain a caste certificate for Petitioner No.1 and only thereafter any correction can be contemplated. We agree with the State only to the limited extent that caste entries cannot be altered casually, and that a school is not itself a caste-adjudicating body. But we emphatically do not agree that the State may, by a rigid and patriarchal default rule, compel a child who is and will be raised solely by her Scheduled Caste mother, and permanently severed from the father; (a) to carry the caste identity of the father in school records, and (b) to suffer the lifelong consequences of that imposed identity, particularly when the record itself discloses the father's role as an accused in a grave offence.

13. In *Rameshbhai Dabhai Naika v. State of Gujarat*, (2012) 3 SCC 400 the Supreme Court explained that in inter-caste situations there may be a presumption that a child takes the father's caste, but that the

presumption is not conclusive, and the matter is ultimately one of fact depending upon upbringing and the social milieu in which the child is reared. This understanding has also been reiterated in official guidance noting that the presumption is not conclusive and that proper scrutiny must be undertaken. The jurisprudence thus rejects caste determination as a mechanical exercise and requires attention to lived social reality.

14. A Division Bench of this Court at Nagpur, in *Ku. Noopur d/o Prashant Ambre v. Scheduled Tribe Caste Certificate Scrutiny Committee* 2020 (1) MhLJ 884, dealing with a “distressed family led by single mother”, held that the case required a different approach and drew support from the law laid down in *Rameshbhai Dabhai Naika*, observing that it is permissible for a candidate to claim the caste/tribe of one parent in appropriate circumstances, and that the authority must test genuineness on documents rather than insist inflexibly upon paternal records when the factual context demands otherwise.

15. Equally instructive is the decision of this Court in *Sonal Pratapsingh Vahanwala v. Deputy District Collector (Encroachment) & Ors.*, (2022) SCC OnLine Bom 628, where the Court recognized that when a child is brought into the legal and social fold of a single mother (there by adoption), insistence on biological father’s caste documentation, when unavailable, defeats both law and justice; the

Court noted the undisputed position of the single mother and treated the child as entitled to take the mother's caste, relying *inter alia* on the Supreme Court's approach in ***Rameshbhai Dabhai Naika*** (supra).

16. Most recently, the Hon'ble Supreme Court, while disposing of Special Leave Petition (Civil)\_\_\_ Diary No(s). 52656/2025 in ***The Tahsildar and Others v. S. Sivapriya*** (decided on 08.12.2025), passed the following order:

- “1. Delay condoned.*
- 2. For the reasons mentioned in the application (IANo.306663/2025), the same is allowed. Cause title be amended accordingly.*
- 3. We have heard learned Attorney General for India in support of the prayer made in this special leave petition.*
- 4. We are of the considered view that the direction issued by the High Court, in the peculiar facts and circumstances of this case, for issuance of Scheduled Caste Community Certificate in favour of the minor child of the respondent, does not warrant any interference of this Court. Moreover, having taken notice of the urgency of such certificate for the daughter of the respondent, we are informed that the Authorities have graciously complied with the directions and the requisite certificate has been issued.*
- 5. We are, thus, of the opinion that irrespective of pendency of the larger issue before this Court, there is no necessity to entertain the instant special leave petition and jeopardize the admission granted to the minor girl child.*

6. *Consequently, the Special Leave Petition is dismissed. However, the question of law is kept open.*
7. *It is clarified that the impugned order will not be taken as a precedent for other matters, which shall be decided as per their own merits.*
8. *All pending applications, if any, also stand disposed of.”*

Thus, an education-protective posture, declined to interfere with an order permitting a minor girl from Puducherry to obtain an SC certificate on the basis of the mother's Adi Dravida identity, noting that a child's education ought not to be held up while larger questions are examined, and observing that “changing times” may warrant such recognition, though the broader question was left open. While this does not finally settle all doctrinal contours, it unmistakably signals judicial sensitivity to the realities of children raised by mothers belonging to reserved communities, and the danger of foreclosing substantive equality by rigid lineage formulas.

17. The social dimension is not an ornament to the legal reasoning; it is the very context in which constitutional rights operate. In India, name and caste entries in school records can shape social perception, peer conduct, access to entitlements, and the child's own psychological sense of belonging. If the child is raised entirely within the mother's household and community, and will have no functional ties to the

father's community, insisting that she carry the father's caste entry may expose her to rejection from that community while simultaneously creating confusion and vulnerability in the milieu where she actually lives. The Constitution's promise is not that the State will preserve old social assumptions; it is that the State will protect dignity and equal citizenship, particularly for children, who cannot be made to bear the consequences of adult conduct or social prejudice.

18. The constitutional frame is decisive. Article 14 of Constitution of India does not permit the State to apply a rule that is facially "neutral" but substantively oppressive in its operation. A practice that treats paternal identity as the singular conduit of caste, regardless of custody, upbringing, abandonment, violence, or social acceptance, entrenches structural inequality and denies equal protection. Under the Constitution of India, Article 15(1) forbids discrimination on grounds of caste and sex; Article 15(3) permits special protection for women and children; and Article 15(4) embodies the constitutional project of social justice for historically oppressed communities. Article 21 of Constitution of India protects dignity as a non-derogable core; for a child, dignity includes the right to an identity not forged by coercion and not imposed to perpetuate stigma. Directive Principles in Constitution particularly Article 39(f) and Article 46 requires the State to protect children from

moral and material abandonment and to promote the educational and economic interests of Scheduled Castes. These are not rhetorical flourishes; they are interpretive compasses. When State authorities wield subordinate “codes of conduct” to deny a minor child relief that directly touches her dignity and future, constitutional adjudication must intervene.

19. The social context cannot be sterilized away. In India, a child’s name and caste entry in school records are not mere clerical fields; they shape social perception, peer treatment, access to entitlements, and, crucially, the child’s own sense of belonging. Here, the petitioners assert without any meaningful rebuttal that Petitioner No.1 will have no relationship with the biological father henceforth, and that the Maratha community would never accept her as one of them given the total absence of ties and socialization, whereas she is being raised exclusively within the Mahar Scheduled Caste milieu of her mother. It is precisely this lived reality that constitutional courts have insisted must be examined rather than substituted by presumptions.

20. The entry in respect of the father’s name and caste in the school record of the minor at the time of her admission was made on the basis of the particulars then furnished and cannot be faulted in the context of the circumstances prevailing at that stage. However, the subsequent and

undisputed developments materially altered the legal and factual position. The accused–father committed rape resulting in the birth of the child and, under the recorded settlement, unequivocally declared that he would have no relationship, responsibility or role in the upbringing of the minor. The mother has since been the sole person managing and raising the child. The minor, now aged about twelve years, has grown up exclusively in the social environment of the mother and within her caste community.

21. In these circumstances, the continued reflection of the father’s caste in the school records does not correspond to the minor’s lived social identity or her legally recognized guardianship. What may have been a correct entry at the inception has, by reason of subsequent and undisputed events, become factually incongruent and legally untenable. The expression “Obvious Mistake”, as explained by the Full Bench in *Janabai* (supra), is not confined to clerical or typographical errors alone; it extends to entries which, on the face of unimpeachable material, are demonstrably inconsistent with the true and legally established position. Where the record perpetuates a status that no longer exists in law, or in fact, its correction cannot be denied on a narrow construction of the term.

22. The determination of caste, particularly in atypical or exceptional factual settings, cannot be restricted to a matter of biological descent alone. The Hon'ble Supreme Court, in Rameshbhai Naika (supra), has emphasized the relevance of social upbringing and the environment in which child is reared. In the present case, the minor has been raised solely by the mother, who belongs to the Scheduled Castes community, and there is no material on record to suggest that the child has been brought up in an environment deriving her social identity from the father's caste. The father's express renunciation of relationship and responsibility further removes any foundation for the continuation of the existing entry.

23. The paramount consideration remains the welfare and best interest of the child. To compel the minor to carry, in her educational records, the caste identity of a person who has completely disconnected himself from her would be contrary to social reality and fairness. The correction sought does not amount to a voluntary alteration of caste by agreement, but rather to a rectification of the record so that it reflects the true social and legal position in the peculiar facts of the present case. Therefore, correction of the caste entry in the school record on the basis of the mother's caste falls within the permissible scope of rectification of an obvious mistake and warrants interference.

24. We would be failing in our constitutional role if we did not state, plainly, what is at stake. Recognition of a single mother as a complete parent for purposes of a child's civic identity is not an act of charity; it is constitutional fidelity. It reflects the movement from patriarchal compulsion to constitutional choice, from lineage as fate to dignity as right. A society that claims to be developing cannot insist that a child's public identity must be anchored to a father who is absent from the child's life, while the mother, who bears the entire burden of upbringing, remains administratively secondary. The State's formats must not become moral judgments; they must become accurate instruments of welfare.

25. Having said this, we are conscious of two legitimate concerns: (i) caste certificates are susceptible to misuse, and (ii) schools should not become substitute caste verification authorities. Therefore, relief must be structured in a manner that protects the child while preserving the statutory scheme for issuance and verification of caste certificates. The Nagpur Bench in *Noopur Ambre* (supra) also makes an important institutional point that the issuing authority under the caste law must not usurp the scrutiny committee's role, and must confine itself to issuance based on requisite documents, leaving verification to the proper forum. That division of roles must be respected here as well.

26. We therefore hold as follows. (a) So far as the correction of name is concerned, the rejection order dated 2 June 2025 cannot stand in view of the Full Bench law in *Janabai* (supra) which recognizes correction of name/surname/caste as falling within “obvious mistakes” framework and requires the competent authority to consider such requests rather than reject them by a blanket prohibition. (b) So far as caste is concerned, where a minor child is in the exclusive custody of the Scheduled Caste mother, has been raised in her social milieu, and the father is not in the picture & more so where continuation of paternal identity in records risks stigma, the State cannot refuse even to consider correction by mechanically invoking the Secondary School Code. The correct approach is, the child’s caste claim on the mother’s side must be entered in school records of petitioner No.1 and thereafter caste certificate process be taken up by petitioner No.2-mother for petitioner No.1-minor girl & the said claim be then processed by the competent authority under the caste certification framework, applying the Supreme Court’s fact-sensitive approach in *Rameshbhai Dabhai Naika* (surpa) and this Court’s approach in *Noopur Ambre and Sonal Vahanwala* (supra).

27. Before we part, we must underscore the larger social message. Recognition of a single mother as the full source of a child’s civic

identity name including lineage descriptor, and caste, where the facts warrant does not dilute the society but on the contrary it civilizes it. It marks a movement from patriarchal compulsion to constitutional choice and from lineage as fate to dignity as right. When the law acknowledges that a mother can be the sole and complete parent in every meaningful sense, it does not merely do justice between litigants/parties but it affirms the Constitution's promise that individuals, especially children, are not to be punished for the circumstances of their birth and wrong of their parents. Hence, we proceed to pass the following order:

#### **ORDER**

28. The Writ Petition is allowed in the following terms:
- (i) The communication/order dated 02.06.2025 issued by Respondent No.3 rejecting the petitioners' proposal for change in the name, surname, and caste in the school record of petitioner No.1 is quashed and set aside.
  - (ii) **Name correction:** Respondent No.4 (Headmaster) shall, upon verification of the Gazette notification and supporting documents produced by Petitioner No.2, forward a fresh proposal for correction of Petitioner No.1's name in the General Register and all consequential school records. Upon receiving the said proposal, Respondent No. 2 (Education Officer) shall carry out the corrections in the middle name and surname of Petitioner No. 1 by substituting the name and surname of the father of Petitioner No. 1, in

accordance with the law laid down in the case of *Janabai* (supra) and in terms of the observations made in the present judgment.

- (iii) **Caste correction / enabling direction:** Respondent No.4 (Headmaster) shall enter the caste of Petitioner No.2 (mother of Petitioner No.1) in the school records of Petitioner No.1 (minor daughter of Petitioner No.2) as “Scheduled Caste – Mahar” in place of the caste of Petitioner No.1’s father “Maratha”. Petitioner No.2 is permitted to apply for issuance of a caste certificate for Petitioner No.1 on the basis of her own caste status as “Scheduled Caste – Mahar” with supported of the documents of her and her maternal family. The competent authority shall consider such application for caste claim of Petitioner No.1 expeditiously by applying the fact-sensitive approach mandated by the Hon’ble Supreme Court in *Rameshbhai Dabhai Naika* (supra) and the approach of this Court in *Noopur Ambre* (supra) *and Sonal Vahanwala* (supra), without insisting inflexibly upon paternal records where the facts demonstrate exclusive maternal upbringing and severance of paternal ties.
- (iv) After receiving the caste certificate from the competent authority, Petitioner No.2 shall produce such caste certificate of Petitioner No.1 to the office of Respondents No.3 and 4, who will then take the copy of the said certificate on the school record and issue all consequential corrected documents with the corrected

{21}

name, surname, and caste of Petitioner No.1 to Petitioner No.2, if required.

- (v) While carrying out the above, the respondents No.3 and 4 shall ensure that the minor child is not subjected to avoidable disclosure, stigma, or harassment within the school environment.

29. Rule is made absolute in the above terms. No order as to costs.

[ HITEN S. VENEGAVKAR ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE

S P Rane