



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6203 OF 2026

Premila D/o Nagorao Ingole,
Age: 35 years, Occu: Nil,
R/o. Malegaon, Tq. Ardhapur, Dist. Nanded.

...Petitioner

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
School Education Department,
Manatralaya Mumbai-32.
- 2) The Education Officer (Secondary)
Zilla Parishad, Nanded.
- 3) Sant Parbat Maharaj High School,
Malegaon, Taluka Ardhapur,
District Nanded.
- 4) Yashvant Mahavidyalaya, Nanded.
Through it's Principal, VIP Road,
Baba Nagar, Nanded.

... Respondents

Advocate for Petitioner : Mr.Rhishikesh A. Joshi
AGP for Respondent/State : Ms. Vaishali S. Choudhari

**CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.**

**RESERVED ON : 22.07.2026
PRONOUNCED ON : 17.08.2026**

JUDGMENT : (*PER : ABASAHEB D. SHINDE, J.*)

. Rule. Rule made returnable forthwith. With the consent of the parties, the Writ Petition is taken up for final hearing at the stage of admission.

2. By this Writ Petition filed under Article 226 of the Constitution of India, the petitioner is seeking following reliefs :

“A) By issue of Writ of Certiorari or any other Writ, order or directions of like nature, the impugned Order dated 17.03.2026 passed by Respondent No. 2 may kindly be quashed and set aside.

B) By issue of writ of mandamus or any other writ, order or directions of like nature the Respondents may kindly be directed to cause correction in the date of birth of petitioner as 09.04.1989 instead of 01.07.1987 in school/College record of petitioner to the extent of birth date within a period of two weeks.”

3. It is the case of the petitioner that her date of birth is 09.04.1989. The school record where the petitioner took her primary education shows her date of birth as 09.04.1989. After passing 7th Standard from the said primary school, she was admitted in respondent No.3 – School where she completed her 10th Standard. While issuing Leaving Certificate, the Headmaster of Respondent No.3 - School wrongly showed her date of birth as 01.07.1987. The said date of birth continued till she completed her studies in respondent No.4 – College.

4. The petitioner further contends that after noticing this mistake she approached the respondent No.3 – School. The

respondent No.3 - School on 12.03.2026 submitted a proposal to respondent No.2 – Education Officer for correction in her date of birth, however, by the impugned order the respondent No.2 turned down the said proposal on the ground that as per Clause 26.4 of the Secondary Schools Code, since the petitioner is no more a student of respondent No.3 – School, her date of birth cannot be corrected. The petitioner, therefore, has approached this Court.

5. Learned counsel for the petitioner submits that this being an obvious mistake, the Respondent No.2 ought to have corrected the date of birth of the petitioner. The reasons assigned for rejecting the proposal is contrary to the law laid down by this Court in the case of **Jannabai Himmatrao Thakur vs. State of Maharashtra and Others** reported in **2019 (6) Mh.L.J.769**. He would submit that the school record of Primary School where the petitioner was initially studying and the Birth Certificate issued by the competent authority demonstrate that her date of birth is 09.04.1989. He, therefore, urged that the impugned order be quashed and set aside by directing respondent No.2 to correct the date of birth of the petitioner.

6. *Per contra*, learned AGP would submit that the petitioner is seeking correction in her date of birth at the fag end of her career after a period of 20 years, which is impermissible. In support of her submission, she has relied on the judgment of the Hon'ble Apex Court in the case of **State of Maharashtra And Another vs. Gorakhnath Sitaram Kamble And Others** reported in **2010**

(14) **SCC 423**. She thus supported the impugned order.

7. We have heard learned counsel for the petitioner, learned AGP for respondent/State and perused the record.

8. The Full Bench of this Court in the case of **Jannabai Himmatrao Thakur** (supra), while interpreting clauses 26.3 and 26.4 of Secondary Schools Code, observed thus :

“39. This being the position, We answer Question Nos.(A) & (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.

9. In the light of the above legal exposition we find that, the petitioner's case falls within the purview of 'obvious mistake' and merely because she had left the respondent No.3/School that by itself cannot be a ground to reject the proposal seeking correction in

her date of birth.

10. As far as the judgment of the Hon'ble Apex Court in the case of **Gorakhnath Sitaram Kamble** (supra) relied upon by learned AGP is concerned, in that case, the appellant therein had sought correction in his date of birth at the fag end of his service after 28 years of his appointment. The Hon'ble Apex Court therefore, held that, the correction in date of birth at the fag end of a career is not permissible. The relevant observations of the Hon'ble Apex Court read thus :

“12. Apart from the notification and the said instructions this Court in a series of cases has categorically laid down that the employees should not be permitted to change the date of birth at the fag end of their service career. In the instance case the application of alteration has been filed at the fag end of his service career after a lapse of twenty-eight years.

11. In the present case, admittedly the petitioner is not in employment, therefore, it cannot be said that she is seeking correction in her date of birth at the fag end of her service. With great respect, the judgment in the case of **Gorakhnath Sitaram Kamble** (supra) relied upon by the learned AGP would not be applicable to the facts of the present case. It is pertinent to note that, the ground for refusing to correct the date of birth of the petitioner is not on count of delay, but on the ground that she had left the Respondent No. 3 School and, as such, in view of Clause 26.4 of the Secondary Schools Code, the correction in her date of birth is impermissible.

12. It is trite law that, an order passed by the statutory authority has to be judged on what is stated in the order and not on what is sought to be supported/improved by subsequent affidavits or otherwise. The support can be drawn from the judgment of the Hon'ble Apex Court in the case of **Mohinder Singh Gill and another vs. The Chief Election Commissioner, New Delhi and others** reported in **AIR 1978 SC 851** wherein, the Hon'ble Apex Court observed thus :

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to Court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. in *Gordhandas Bhanji* (AIR 1952 SC 16) (at P.18)

"Public orders publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the acting and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself".

Orders are not like old wine becoming better as they grow older.

13. Applying the aforesaid ratio, we are of the considered view that, the impugned order needs to be judged on the touchstone of the reasons assigned therein and not by substituting or

supplementing the reasons. The submissions of learned AGP in that regard cannot be accepted.

14. In view thereof, we find that the impugned order passed by respondent No.2 –Education Officer is unsustainable. We are therefore, inclined to allow the Writ Petition. Hence, we pass the following order :

ORDER

- i) The Writ Petition is allowed in terms of prayer clauses ‘A’ and ‘B’.
- ii) The Respondent No. 2 is directed to complete the exercise of correction in the date of birth of the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.
- iii) Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI , J.)

vsj..