

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 191 OF 2015

AJAY GOPINATH KARALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shinde Chandrakant K.
AGP for Respondent State: Mr.D.B.Bhange
Adv.Mr.Mustafa for R.3.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 9th February, 2015.**

P.C. :

Mr.Shinde, learned counsel submits that the petitioner is seeking correction in the name of his father and the surname in the school record. The Head Master had also forwarded proposal to the Education Officer but the same is rejected only on the ground that the petitioner had left the school. According to the learned counsel, provisions of Clause 26.4 of the Secondary School Code are directory in nature.

2] Mr.Mustafa, learned counsel for Head Master accepts that the proposal has been forwarded by Head Master to the Education Officer.

3] We have heard learned AGP appearing for Education Officer. He states that as the petitioner has left school, in view of

provisions of Clause 26.4 of the Secondary School Code, order has been rightly passed.

4] This Court has held that provisions of Clause 26.4 of the Secondary School Code are directory in nature and only because the student has left the school, that would not be an impediment for the authority to consider the same on its own merits.

5] The authority has to consider the matter and provisions of Clause 26.4 of the Secondary School Code read with Appendix-6.

6] In light of that, we pass following order :

a] Impugned order is quashed and set aside. The authority shall consider the proposal received by it for correction in the name of the father and the surname of the petitioner in the school record on its own merits afresh expeditiously by following the procedure as is laid down in Clause 26.4 of the Secondary School Code with Appendix-6. The Education Officer shall consider all the relevant aspects of the matter while considering the said proposal. Petitioner can represent himself before the Education Officer.

7] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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