

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

WRIT PETITION NO. 2682 OF 2015

Vishal Ankush Thokal

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. D. Karkare, Advocate for the Petitioner.

Smt. S. A. Dhumal, A.G.P. for Respondent Nos. 1 and 2.

Shri R. V. Dasalkar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 13TH AUGUST, 2015.

PER COURT :

. The learned counsel for the petitioner states that, the Education Officer has rejected the proposal of the petitioner for correction of date of birth only on the ground that as per Clause 26.4 of the Secondary School Code, correction in the school record is not permissible after the student has left the school. According to the learned counsel, the said provision is directory in nature.

2. The learned counsel for the respondent No. 3 states that, as the application is filed after the student has left the school as per Clause 26.4 of the Secondary School Code, correction is not permissible.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. This Court in catena of judgments has held that, Clause 26.4 read with Appendix VI of the Secondary School Code is directory in nature and application can be considered even after the student has left the school.

5. Considering the above, the impugned order is quashed and set aside. The parties are relegated before the concerned authority. The concerned authority shall consider the application/proposal of the petitioner forwarded by the Head Master for correction of date of birth on its own merits, in accordance with law and rules expeditiously and preferably within a period of four (4) months from today. The authority shall not reject the application/proposal only on the ground that the petitioner has left the school. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]