

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

WRIT PETITION NO. 3552 OF 2015

Mayuri Suresh Khadke

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Shri Chandrakant K. Shinde, Advocate for the Petitioner.

Shri D. B. Bhange, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 07TH JULY, 2015.

PER COURT :

. The application of the petitioner seeking correction in the fathers name in school record has been rejected.

2. According to Mr. Shinde, the learned counsel for the petitioner, the same is rejected only on the ground that the petitioner has left the school in the year 2009. The learned counsel submits that, provision of Rule 26.4 of the Secondary School Code is directory. The learned counsel relies on the judgment of this Court in a case of Vilas S/o Dattatraya Ransubhe Vs. State of Maharashtra and others reported in *2013 (1) Mh.L.J. 851*.

3. Mr. Bhange, the learned Assistant Government Pleader submits that, the application is rightly rejected. The same would

not have been entertained in view of Rule 26.4 of the Secondary School Code.

4. Rule 26.4 of the Secondary School Code has been held to be directory by this Court in a case of ***Shaikh Shafi Ahmed Khadarsab Vs. The State of Maharashtra and others*** reported in **2012(3) Mh.L.J. 35**. Same is followed by another Division Bench of this Court in a case of **Vilas S/o Dattatraya Ransubhe Vs. State of Maharashtra and others** referred supra. The applicant only seeks to correct typographical mistake in the name of her father in school record instead of "Suresh", it is stated as "Sureshrao".

5. Considering the above, the impugned order is quashed and set aside. The respondent No. 2/Education Officer shall consider the said application of the petitioner on its own merits in accordance with law that is Rule 26.4 of the Secondary School Code read with Appendix VI of the same. It shall not reject it on the ground that the petitioner has left the school. the same shall be decided expeditiously and preferably within a period of three (3) months from today. The writ petition accordingly is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15