

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5319 OF 2015

Amol Nayabrao Wagh
age: 21 years, occu: Education
R/o Walsa Dawargaon
Post Walsa Khalsa,
Tq. Bhokardan, Dist. Jalna

Petitioner

Versus

- 1 The State of Maharashtra
through The Secretary,
School Education Department,
Mantralaya, Mumbai 32
- 2 The Education Officer (Secondary)
Zilla Parishad Jalna
District: Jalna
- 3 The Head Master,
Girja Purna High School
Walsa Khalsa, Tq. Bhokardan
District: Jalna

Respondents

Mr. S.M. Pandit advocate for the petitioner.
Mr. N.B. Patil, AGP for respondent State
Mr. P.D. Suryawanshi advocate for respondent No.3

CORAM: ***R.M. BORDE AND
P.R. BORA, JJ***

DATE: 10.09.2015

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule.

3 With the consent of the parties, petition is taken up for final decision at admission stage.

4 The proposal, tendered by the petitioner to the Education Officer, for effecting change in the date of birth, in the school record, has been turned down by the Education Officer by his order dated 25.2.2015 for the reason that, the Education Officer does not have jurisdiction to deal with the application after the student has left the school.

5 The Division bench of this Court in the matter of ***Shaikh Shafi Ahmed Khadarsab V/s The State of Maharashtra and others*** in Writ Petition No.1138 of 2009 decided on 13.3.2012 reported in 2013 (1) Bom C.R. 660 has observed in paragraph No. 11 as below:

"11. For all these reasons, we hold that the instructions contained in para 26.4 of the S.S. Code that an application for change of an entry in the General Register of a school shall be entertained only on behalf of the pupil who is attending the school meaning thereby that it shall not be entertained on behalf of the pupil who has left the school, are directory and not mandatory. In our view, such an application can be entertained even after the pupil has left the school, provided the application is bonafide and the pupil is able to satisfy that the original entry in the General Register of the school is erroneous. The application can be rejected if the entry is not shown to be erroneous and wrong. It however, cannot be rejected without it being considered on merits, only on the technical ground that the application has been made after the pupil has left the school. "

6 Appendix Six of the Secondary Schools Code, 2006 lays down the procedure in respect of making correction and change in names, surnames, caste/subcaste, date of birth etc.. The Education Officer, on ensuring fulfillment of requirements laid down under Appendix Six can entertain the application.

7 In this view of the matter, it would be open for the petitioner to tender a proposal through the School wherein, he was taking education to the Education Officer for effecting change in the date of birth. On receipt of proposal, the Education Officer shall take an appropriate decision in accordance with the provisions of Secondary School Code. The Education Officer shall consider the application in accordance with the Code and render appropriate decision expeditiously.

8 With the directions as above, petition is disposed of.

9 Rule is accordingly made absolute.

(P.R. BORA, J)

(R.M.BORDE, J)