

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 6345 OF 2015

MOHAMAD SARFRAJ MOHAMAD YUSUF
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Nirmal Ramchandra J.
AGP for Respondents/State: Mrs.S.G. Chincholkar.
Advocate for Respondents : Mr.Madni M. A. & Qurashi
A.M. for R/4

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CORAM : S.S. SHINDE & M.T. JOSHI, JJ.
Dated: SEPTEMBER 11, 2015

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This writ petition takes exception to the order dated 4th March,2015 passed by respondent No.2. The learned Counsel for the petitioner submits that the application filed by the petitioner for correction of surname in the school record, has been rejected by the Education Officer on the grounds including the one that, once the student has left the school, the authority has no jurisdiction / power to correct the record. The learned Counsel for the petitioner submits that he will file an application afresh before respondent No.4 after due compliance of the deficiencies

pointed out in the communication by the Education Officer (Secondary), Zilla Parishad, Aurangabad. He further submits that in view of the judgment of this Court in the matter of **Vilas Dattatraya Ransubhe vs. State of Maharashtra and others**¹, and the relevant Rules, the application of the petitioner should not have been rejected by the Education Officer.

2 The learned Counsel for the respondent No.4 submits that in case fresh application is submitted by the petitioner, it will be forwarded to the Education Officer (Secondary), Zilla Parishad, Aurangabad.

3 We have heard learned Counsel for the petitioner and the learned Counsel for the respective respondents. In view of the judgment of the Division Bench of this Court in the matter of **Vilas Dattatraya Ransubhe** (supra) wherein, this Court has considered the provisions of the Secondary School Code and ruled that on fulfillment of requirements laid down under Appendix Six, application tendered for effecting change in the entries recorded in school record can be entertained.

4 In the light of above, we grant liberty to the

1 2013(1) Bom.C.R.666;

petitioner to file an application afresh with the respondent No.4. In turn, the respondent No.4 will forward the same to the Education Officer (Secondary), Zilla Parishad, Aurangabad and upon receiving such application, subject to fulfillment of all conditions, the Education Officer (Secondary), Zilla Parishad, Aurangabad shall take a decision on such application without refusing to entertain the same on the ground that the petitioner has already left respondent No.4 school.

We make it clear that the order passed by the Education Officer (Primary), Zilla Parishad, Aurangabad, which is impugned in this petition, cannot be read as an impediment for the petitioner to file an application afresh to the Education Officer (Secondary), Zilla Parishad, Aurangabad.

Writ Petition is disposed of on above terms.

(M.T. JOSHI, J)

(S.S. SHINDE, J)