

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

WRIT PETITION NO.7191 OF 2015

Pallavi d/o. Ashokrao Desai,
Age: 23 Years, Occu. Education
R/o. Chudawa, Tq. Purna,
Dist. Parbhani

PETITIONER

VERSUS

- 1] The State of Maharashtra
Through the Secretary,
General Administration Department,
Mantralaya, Mumbai-32.

[Copy to be served on the
Additional Solicitor General, for Union of
India, High Court of Bombay Bench at
Aurangabad]

- 2] The Divisional Secretary
[Secondary and Higher Secondary]
Aurangabad

- 3] The Education Officer,
[Primary] Zilla Parishad, Parbhani

- 4] The Head Master,
Guru Jamnadas Maharaj Primary School,
Chudawa, Tq.Purna, Dist. Parbhani

RESPONDENTS

...

Mr. Prashant D. Suryawanshi, Advocate for Petitioner
Mr. K.S.Patil, AGP for respondent / State
Mr.M.P.Kale with Mr. B.A.Shinde, Advocates for the
Respondent No.3.

...
**CORAM: S.S.SHINDE &
P.R.BORA, JJ.**

Date: 11.12.2015

PER COURT:

1] This Writ Petition is filed seeking direction to the respondent Authorities to correct date of birth of the petitioner as 13th August, 1991 in stead of 15th August, 1989 in the record of respondent No.4 School.

2] It is the case of the petitioner that, the name of the petitioner was entered in the school record of respondent No.4 by her grand-father. At that time, her date of birth was wrongly shown as 15.08.1989 instead of 13.08.1991. It is further the case of the petitioner that, in the record of Grampanchayat, Chudawa, Taluka Purna, District Parbhani, as well as in the record of Municipal Corporation, Nanded, the date of birth of petitioner is recorded as 13.08.1991. It is further the case of the petitioner that, the petitioner applied along with necessary documents for correction in the date of birth, however, the respondents have not taken cognizance of her request for change of the date of birth in the school record. Hence this Writ Petition.

3] Upon perusal of the contents of the application dated 10th June, 2015, addressed by the petitioner to the

Guru Jamnadas Maharaj Primary School, Chudawa, Taluka Purna, District Parbhani. It appears that, the petitioner applied for correction in the school record. The Head Master of the said School issued a certificate, stating therein that, the Head Master does not have power to correct the date of birth.

4] In the light of discussion hereinabove, we grant liberty to the petitioner to apply for correction in the date of birth in the school to the respondent Nos.3 and 4 within four weeks from today. Upon receiving such application, the respondent Nos.3 and 4 shall decide the said application keeping in view the provisions of Rule 26.3 and 26.4 of the Secondary School Code and take decision on its own merits. However, respondent Nos.3 and 4 shall not reject the application on the ground that, the petitioner has left the School and the respondent Nos.3 and 4 have no authority / jurisdiction / power to take decision. The Division Bench of Bombay High Court, Bench at Aurangabad in the case of *Shaikh Shafi Ahmed Khadarsab Vs. State of Maharashtra and others*¹, held in para 12 as under:

“12. In the present case, the application has

¹ 2012 [5] Mh.L.J.36

been rejected not on merits but only on the technical ground that it had been made after the petitioner had left the school and joined the junior college. In our view, the respondent No.3 Education Officer ought to have considered the application on its own merits and ought not to have rejected it only on the technical ground that the application had been made after the petitioner had left the School. Of course, for ordering any change the respondent No.2 would have to be satisfied about the merits of the case and the bona fides of the petitioner."

5] It will be open for the respondent No.3 to hear the petitioner before such decision is taken. Such decision shall be taken by the respondent Nos.3 and 4 as expeditiously as possible, however, within 8 weeks from receiving the application of the petitioner. The same shall be communicated to the petitioner forthwith.

6] Petition is partly allowed, and hence stands disposed of.

[P.R.BORA]
JUDGE

[S.S.SHINDE]
JUDGE