

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) WP NO.11071/2014

55 WRIT PETITION NO. 11071 OF 2014

PREMRAJ DNYANOBA GAWALI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Panale Sachin S.  
AGP for Respondent State:Mr. S.K.Kadam  
Mr.Mukhedkar Amit A., Adv., for R/4

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CORAM : S.S. SHINDE & P.R. BORA, JJ.  
Dated: April 13, 2015

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PER COURT :-

1. Heard.
2. Limited grievance raised in the petition is that respondent no.3 Education Officer, Secondary, Zilla Parishad, Nanded, has rejected the application of the petitioner for correction in the school record on the ground that the petitioner has already left the school.
3. Counsel appearing for the petitioner submits that, on the ground that the petitioner has left the school, his prayer for correction in the school record should not have been turned down. In support of his contention, he places reliance on the judgment of this Court in case of **Shaikh Shafi Ahmed Khadarsab vs State of Maharashtra and others**<sup>1</sup>, and submits that the ratio laid down in the said case is squarely applicable in the facts of this case.

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<sup>1</sup> 2012(5) Mh.L.J.36;

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4. Counsel appearing for the respondents vehemently opposed the prayer of the petitioner. According to them, the case of the petitioner is not of inadvertent correction in the school record, and it depends upon the subsequent corrections in the official gazette of the name of the petitioner's father. Therefore, learned Counsel submit that petition may be rejected.

5. We have heard Counsel for the petitioner, learned Counsel appearing for respective respondents. The controversy raised in the present petition is no longer *res integra* and this Court, in the case of **Shaikh Shafi Ahmed Khadarsab (Supra)**, has taken a view that, the Education Officer cannot reject the application for correction of the entries in the school record merely on the ground that the candidate has left the school.

6. Upon perusal of the communication which is impugned in this petition at Exh.D, it is abundantly clear that the Education Officer, Secondary, Nanded, refused to invoke the provisions of Para 26.4 of the Secondary Schools Code on the ground that the petitioner has already left the school.

7. The ends of justice would be met in case the Education Officer, Zilla Parishad, Nanded, is directed to consider the application of the petitioner on its own merits in the light of Para 26.3 and 26.4 of the Secondary Schools Code as expeditiously as

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possible, preferably, within three months from today. Accordingly, the impugned communication is quashed and set aside. The Education Officer is directed to consider the prayer of the petitioner on its own merits in the light of Para 26.3 and 26.4 of the Secondary Schools Code.

Needless to observe that, we have not considered the controversy on its merits.

The petition stands disposed of in above terms.

( P.R. BORA, J. )

( S.S. SHINDE, J. )

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