

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

WRIT PETITION NO. 10606 OF 2014

Tulsidas Anil Thakur

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Girish Nagori, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 4.

The Respondent No. 2 is served.

Shri Ajay D. Pawar, Advocate for the Respondent No. 3.

Shri Shrikant S. Patil, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 18TH FEBRUARY, 2015.

PER COURT :

. Mr. Nagori, the learned counsel for the petitioner submits that, the respondent No. 2 has refused to entertain the application filed by the petitioner for change of date of birth in the school record only on the ground that the petitioner has left the school. The same is erroneous. Clause 26.4 of the Secondary School Code is directory in nature. Even after the child has left the school, the respondent No. 2 can consider the application on its own merits. The learned counsel relies on the judgment of the Division Bench of this Court in a case of **Vilas Dattatraya**

Ransubhe Vs. State of Maharashtra and others reported in
2013(1) Bom.C.R. 666.

2. We have heard the learned Additional Government Pleader also.

3. Mr. Pawar, the learned counsel for the respondent No. 3 submits that, the respondent No. 3 has forwarded the application of the petitioner to the Education Officer for correction of date of birth of the petitioner.

4. By now, it is well settled that, provisions of Clause 26.4 of the Secondary School Code are directory in nature. The authority can consider the application even after a person has left the school.

5. Considering the above, we pass the following order.

6. The respondent No. 2 shall consider the application forwarded by the respondent No. 3 in respect of change of date of birth of the petitioner on its own merits in accordance with Clause 26.4 read with Appendix VI of the Secondary School Code and shall not reject it only on the ground that the petitioner has left the school. The respondent No. 2 by observing procedure provided under Clause 26.4 read with Appendix VI of the

Secondary School Code shall decide the same expeditiously and preferably within a period of two (2) months from today. In case selection process is not complete, then the respondent No. 4, if there is any correction in the school record of date of birth, shall consider the same. The writ petition is disposed of with aforesaid observations and directions. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 15