

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

76 WRIT PETITION NO.11531 OF 2015

KONDIRAM PANDURANG KAGALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners: Mr.Patil H.V.
AGP for Respondents/State: Mr.S.K. Kadam.

...
CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.
Dated: JUNE 13, 2016

...

Heard the learned Counsel for the petitioner and the learned AGP appearing for the State. In spite of service other respondents, none represents them.

2 The learned Counsel for the petitioner submits that the petitioner filed an application to the Head Master, Zilla Parishad Primary School, Kharola, Tq. Renapur, Dist. Latur for correction of date of birth in his school record. However, the respondent No.3 has not taken any decision on the said application. He

invited our attention to the provisions of Para 26.4 of the Secondary Schools Code and submitted that it is permissible for the respondents to accept the prayer of the petitioner for correction in school record.

3 We have heard learned Counsel for the petitioner and the learned AGP appearing for the respondent – State. Though the other respondents are served, none appears on their behalf. Nothing is placed on record showing that respondent No.3 has taken decision on the application of the petitioner.

4 In that view of the petitioner, we direct respondent No.3 to consider the application filed by the petitioner on merits and without rejecting the same on the ground that the petitioner has already left the school. Respondent No.3, if satisfied on merits, shall forward the said application with his report to respondent No.2, as early as possible; however, within eight weeks from today. Upon receiving the proposal from respondent No.3, Respondent No.2 shall take decision, if already not taken, on the said proposal for correction of date

of birth of the petitioner in the school record, as early as possible; however, within eight weeks from receipt of such proposal. In case, respondent No.2 thinks it necessary to hear the petitioner, he can do so. We make it clear that respondent No.2 shall not reject the application on the ground that the petitioner has already left the school.

5 Petition stands disposed of on the above terms.

Parties to act upon authenticated copy of this order.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)