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

WRIT PETITION NO. 10487 OF 2016

**RATNADEEP BABURAO CHANNE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioners : Kadu Shivraj B.
AGP for Respondents:Mr.P.S.Patil**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 22/09/2017

PER COURT :-

Mr.Kadu the learned counsel for the petitioner submits that the date of birth recorded in the school leaving certificate of the petitioner is 31/07/1991, however, the same is wrongly recorded. The correct date of birth of the petitioner is 21/11/1991. The same can be verified from the birth certificate issued by the Corporation dated 30/12/1991. The learned counsel submits that the presumption is attached to the said birth certificate issued under the provisions of Registration of Births and Deaths Act, 1969. The application is made by the petitioner to the Education Officer but the same is not accepted on the ground that it is filed after leaving the school.

2] The learned AGP submits that as per Rule 26.4 Appendix Six of Secondary School Code, the Education Officer cannot entertain the application after the student has left the school.

3] It has been held by this Court that Rule 26.4 of the Secondary School Code is directory in nature. We have perused the documents. Upon perusal of documents, It appears that the application is bonafide and petitioner is not seeking major benefits.

4] In light of the above, we pass the following order :

I] The Education Officer shall accept the application of the petitioner for change in the date of birth in the school record of the petitioner.

II] On receipt of the said application, the Education Officer shall upon compliance of the procedure laid down under Rule 26.4 Appendix Six of the Secondary School Code, pass order on its own merits in accordance with law, expeditiously preferably within six months.

5] Writ Petition disposed of. No costs.

(MANGESH S. PATIL,J.) (S.V.GANGAPURWALA,J.)

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