

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7586 OF 2017

Suresh Shankar Jawal ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. M.S. Athalye for the petitioner.
Mr. Vikas Mali, AGP for the State.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

18th July, 2017.

P.C.

Heard learned Counsel for the parties.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3. Leave to delete name of respondent no.4.

4. The petitioner questions the communication made by Education Officer (Secondary), Zilla Parishad, Satara to the petitioner dated 29th

February, 2016. It is the petitioner's contention that he was born on 26th January, 1987 and he completed his primary and secondary schooling from Shri Venna Vidya Mandir & Junior College. The Petitioner completed his secondary education in the academic year 2002-2003. The petitioner further contends that his parents were illiterate, therefore, they could not register birth of the petitioner correctly with the concerned authorities at the relevant time. There was no Grampanchayat at village Jawalwadi. The petitioner's birth date was wrongly recorded in school record as 26th January, 1986 instead of 26th January, 1987. When the petitioner enquired with the Village panchayat office at Medha for his birth certificate, he found that there was no entry of his birth in the records.

5. Misc. Civil Application No. 44/2015 was filed before the learned Civil Judge, Junior Division, Medha under Section 13 of the Registration of Births, Death and Marriage Act, 1886. It is contended that said application came to be allowed vide Judgment and Order dated 22nd July, 2015 directing correction of record of Grampanchayat, Medha by correcting date of birth of petitioner as 26th January, 1987. The petitioner thereafter applied to Respondent No.3 Education Officer (Secondary) on 29th February, 2016 to correct the birth record. Similar applications were made to Primary School and Secondary School. By impugned

communication the request made by the petitioner was turned down. The Counsel submits that the reason prescribed in the communication is erroneous one. It is not sustainable and is contrary to the view adopted by this Court. On identical issue this Court had remanded the matter back.

6. Learned Counsel placed reliance on the Judgment delivered by the Division Bench of this Court dated 13th June, 2017 in the case of **Smt. Smita Madhav Patki v/s. The State of Maharashtra & ors.** in **Writ Petition No. 6067/2013**.

7. Learned AGP submits that in the facts of the case appropriate orders may be passed.

8. Perused the record placed before us and judgment cited (Supra).

9. Taking into consideration the facts of the case and submissions advanced before us and considering the relevant rules and regulations, we are of the view that matter needs to be remanded back to the Education Officer (Secondary) as the Education Officer (Secondary) rejected the application only on the ground that petitioner had already left

the school.

10. The Petition is allowed. The communication made by respondent no.3 - Education Officer (Secondary), Zilla Parishad, Satara to the petitioner dated 29th February, 2016 is quashed and set aside. The matter is remanded back to respondent no.3 - Education Officer (Secondary), Zilla Parishad, Satara, who shall deal with the matter in accordance with the record placed before him and take appropriate decision within three months on merits of the application.

11. Rule is made absolute in the above terms.

12. All concerned to act on an authenticated copy of the order.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.