

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

WRIT PETITION NO. 5739 OF 2018

Niraj Baliram Tambade.

Petitioner.

Versus

The State of Maharashtra and others.

Respondents.

Mr. R.K. Jadhavar, Advocate for the petitioner.

Mr. A.P. Basarkar, A.G.P. for the State.

CORAM : **S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **14th June, 2018.**

ORDER :-

Mr. Jadhavar, learned Counsel for the petitioner submits that the petitioner had routed the application through respondent No.5 Head Master, seeking correction in the school record with regard to the name of his mother. The name of the mother is recorded as "Indubai" in the School Leaving Certificate, however, the correct name is "Indumati". The said correction was sought. The application is not considered only on the ground that there is delay and the petitioner has left the school. The petitioner is 17 years of

age and had recently left the school. The learned Counsel submits that Clause 26.4 of the Secondary School Code is directive.

2. We have heard learned Asstt. Government Pleader for respondent Nos.1 to 4.

3. The petitioner had passed out 10th Standard in the year 2016 and the application was made immediately on receipt of School Leaving Certificate. Under the order dated 07.05.2017, the Education Officer has returned back the proposal.

4. There was no inordinate delay on the part of the petitioner.

5. Clause 26.4 of the Secondary School Code is held to be directive. We would not have considered the case of the petitioner had there been abnormal delay. Considering that the application for correction was made immediately on receipt of the School Leaving Certificate, we direct the Education Officer to reconsider the proposal on its own merits after considering the relevant documents and on following the procedure as laid down under Clause 26.4 of the Secondary School Code read with Appendix-6, in accordance with law. In case, the proposal is returned back to the Head Master, the

Head Master shall resubmit the proposal to the Education Officer.
The petitioner shall communicate this order to the Head Master so as to enable the Head Master to resubmit the proposal.

6. With the aforesaid directions, the Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/