

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

WRIT PETITION NO. 9338 OF 2015

**JAKAJI PIRAJI MARKAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.S.Bora, Advocate for the petitioner
Mr.S.B.Pulkundwar, AGP for the respondent/State

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 09.10.2018

P.C. :-

Heard the learned counsel for the petitioner. The petitioner seeks correction to the date of birth. According to the learned counsel for the petitioner the real date of birth of the petitioner is 19.07.1987. However, in the record it is recorded as 19.02.1987. The petitioner has produced the copy of the birth certificate and all other documents to suggest that his date of birth is 19.07.1987. The application is rejected on the ground that correction under rule 26.4 of the Secondary School Code.

2. The correction is sought in the school record of Primary School, Zilla Parishad, Patonda, Dist. Hingoli.

3. It appears that the petitioner left the said school when he completed 4th standard. Thereafter, he had joined other schools in the Shivaji Vidyalyaya, Belora, Tal. Pusad, Dist. Yavatmal. The date of birth of

the petitioner is recorded as 19.07.1987. So also in the Junior College, namely, Shivaji Vidyalaya, the date of birth of the petitioner is recorded 19.07.1987.

4. Considering the other school record the Head Master had forwarded the proposal to the Education Officer.

5. Considering the aforesaid aspect, the Education Officer shall consider the proposal submitted by the Headmaster seeking correction in the date of birth on its own merits but following the procedure laid down under rule 26.4 read with Annexure "VI" of the Secondary School Code and shall not reject it only on the ground that the petitioner had left the school. The said decision be taken expeditiously, preferably within four months.

6. The Writ Petition is disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]