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

WRIT PETITION NO.13605 OF 2017

Narayan Shivaji Chavan,
Age: 17 years, Occu: Student,
under guardian
Shivaji Laxman Chavan,
Age: Major, Occu: Agril.,
R/o Waghdera Tanda,
Tq. Gangakhed, Dist. Parbhani

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School and Sport Department,
Mantralaya, Mumbai
2. State of Maharashtra,
Through its Secretary,
Rural and Water Conversation,
Mantralaya, Mumbai
3. The Chief Executive Officer,
Zilla Parishad, Parbhani,
District Parbhani
4. The Education Officer (Secondary),
Zilla Parishad, Parbhani,
District Parbhani
5. The Divisional Secretary,
Maharashtra State, Board of
Secondary and Higher Secondary
Education, Aurangabad
6. The Head Master,
Dnyaneshwar Vidyalaya,
Kerwadi, Tq. Palam,
Dist. Parbhani

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7. The Head Master,
Saint Janabai Vidyalaya,
Gangakhed, Tq. Gangakhed,
Dist. Parbhani

..RESPONDENTS

Mr S. G. Munde, Advocate for petitioner;
Mr G. O. Wattamwar, A.G.P. for respondent Nos.1, 2 & 4
Mr U. S. Mote, Advocate for respondent No.5;
Mr D. M. Shinde, Advocate for respondent No.6

**CORAM : PRASANNA B. VARALE
AND
RAVINDRA V. GHUGE, JJ.**

DATE : 14th September, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. A very limited grievance is raised by the petitioner in the petition. The petitioner submits that initially in the school records, his date of birth was erroneously shown as “4th July, 2003” and the same date was recorded in the school leaving certificate. A copy of extract of admission register is placed on record at Exh.'C'. The said certificate is issued by the Head Master, Sant Janabai Vidyalaya, Gangakhed.

3. By way of representation dated 20th September, 2017, the petitioner brought to the notice of the Head Master and Education Officer (Secondary), Zilla Parishad, Parbhani, that his date of birth is 13th June, 2000. There is also an entry in the Grampanchayat records i.e. at

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Grampanchayat office, Waghdara, wherein his date of birth of the petitioner is reflected as 13th June, 2000. Inadvertently an erroneous date is shown in the records. Thus, the petitioner prayed for correction of the birth date in the records.

4. The petitioner passed his S.S.C. examination in the academic year 2015-16 and a copy of mark list is also placed on record at page 22. As such, learned Counsel for the petitioner submitted that within the prescribed period the petitioner approached the authority seeking correction of date of birth. Learned Counsel also submitted that the petitioner, with a *bona fide* intention approached the authority to submit that an erroneous date of birth is shown, whereas his real date of birth is 13th June, 2000. The petitioner also placed reliance on the judgment of the Honourable the Apex Court in the matter of **CIDCO Vs. Vasudha Gorakhnath Mandevlekar**, reported in **2010 (1) Mh.L.J. 41**, in support of his submission.

5. The reply is filed on behalf of respondent No.7 i.e. Head Master Shri Balaji Kande. The facts referred to above are not disputed by respondent No.7. It is only stated that the Head Master does not possess any power to effect change in date of birth and it is the power of the Education Officer as per the provisions of the Secondary School Certificate Code. It is stated that once the student leaves the school, the Head Master does not possess any power to effect the change in the records.

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6. Perusal of the documents clearly shows that the petitioner approached the authority immediately after passing Xth standard examination i.e. S.S.C. examination. The petitioner also placed on record all required documents to show that an error was committed in referring to his date of birth in the initial school records in the school leaving certificate. We also find some merit in the submission of the learned Counsel for the petitioner that the approach of the petitioner was *bona fide* as the documents placed on record clearly show that the petitioner is not approaching to authority to show that he was underage, but he admits that his date of birth was 13th June, 2000 and not 4th July, 2003 as referred to in the earlier school leaving certificate.

7. Considering aforesaid facts, we are of the opinion that the learned Counsel for the petitioner has made out a case. The petition deserves to be allowed and accordingly the same is allowed in terms of prayer clause (B). Respondent No.4 - Education Officer (Secondary) to take necessary steps for effecting the change in the date of birth of the petitioner as early as possible and not later than six weeks from today.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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