

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

930 WRIT PETITION NO.1678 OF 2019

AMIN RAJU SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vishal A. Bagal
AGP for Respondent No. 1 – State : Mr. S. S. Dande
Advocate for Respondent Nos. 2 and 3 : Mr. Suhas B. Ghute

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**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th February, 2019

ORAL ORDER :

1. Heard the learned counsel for petitioner.
2. The petitioner who is an student prosecuting his studies for B.A. degree. The petitioner had approached the respondent No. 3- the Headmaster, Zilla Parishad Primary School, Adul (Kh.) Tq. Paithan, Dist. Aurangabad with a request application for correction in the school record. It is stated in the application that name of the petitioner is “Amin s/o Raju Shaikh”, whereas, inadvertently and erroneously name of the petitioner is recorded as “Amin s/o Raju Shaha”. Learned counsel also invited our attention to the copy of the Government Gazette Notification placed on record at Exhibit-C. Entry of the petitioner finds its place with Registration No.A-175755.

3. Learned counsel submitted that petitioner requested the Headmaster to submit the proposal for correction in the school record to the Education Officer (Primary) Zilla Parishad, Aurangabad, Dist. Aurangabad. A statement is made in the petition that when the petitioner approached the Respondent No. 3 as well as the Respondent No. 2 - Education Officer (Primary), Respondent Nos. 2 and 3 orally replied the petitioner that the request of the petitioner will not be considered on the ground that petitioner has left the school. Learned counsel placed heavy reliance on the judgment and order of this Court dated 30.09.2013 in Writ Petition No.3127/2013 and also in Writ Petition No.14193/2018 dated 20.12.2018. The learned counsel submitted that in order dated 20.12.2018 the Division Bench of this Court directed the competent authority to consider the application/representation for change in the school record on its merits ignoring the fact that it has been presented after the petitioner has left the school.

4. Considering the submissions of the learned counsel and the documents placed on record, we are of the opinion that the petition can be disposed of at the admission stage with the directions to petitioner and the respondent authorities. The petitioner is permitted to approach the respondent No. 2 – Education Officer, Zilla Parishad, Aurangabad, District Aurangabad, with a proper

application/representation alongwith copy of the application submitted to the Headmaster dated 08.12.2018. Such an application be submitted to the respondent No. 2 – The Education Officer, within one week from today. If such application is submitted to respondent No. 2 – the Education Officer, within one week from today, the Education Officer to consider the application on its merits and shall process the same, ignoring the fact that the application/proposal is submitted after the petitioner has left the school. The Education Officer to undertake this exercise within 6 weeks from the date of receipt of the application. With these directions, petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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