

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 1990 OF 2019

Vijay Bajirao Bhise

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. S.B. Bakharia, advocate for petitioner.

Mrs. M.A. Deshpande, AGP for respondents no. 1 to 3.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 26th March, 2019.

P.C. :

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner orally prays for amendment to the petition by placing on record communication dated 12.03.2019 issued to respondent no. 5 through respondent no. 3.

3. Oral prayer is allowed. The document is taken on record and marked 'X' for identification.

4. Petitioner, left respondent no. 5 - school in the year 2012 and accordingly, the school had issued Leaving Certificate in his favour. Copy of the School Leaving Certificate is placed at Exh. B of the petition. Petitioner thereafter found that there is some error in the date of birth and as such, approached the Education Officer seeking correction in the record. The Education Officer, by order

dated 12.03.219, rejected the prayer on two grounds viz., as per the provisions of Secondary School Code particularly, Rule 26.4, the petitioner had left the school and as such, correction sought for by the petitioner cannot be effected and secondly, complete proposal is not submitted through respondent no. 5.

5. Learned counsel for the petitioner submits that the first ground assigned by the Education Officer is clearly unsustainable in view of consistent view of this Court reflected in various judgments. Learned counsel for petitioner relies upon judgment of this Court in the matter of Pooja D/o Rajendra Kurund Vs. The State of Maharashtra and others in **Writ Petition No. 3391/2019** decided on 18.03.2019.

6. As limited grievance is raised in the petition, we deem it appropriate to dispose of the petition with directions.

7. Issue notice to respondents returnable forthwith. Learned AGP waives service of notice on behalf of respondents no. 1 to 4.

8. Learned AGP invited our attention to other grounds and submitted that if a proper and complete proposal is submitted to the Education Officer, there will not be any impediment for the Education Officer to pass appropriate orders.

9. In view of this fact, we permit the petitioner to submit application to respondent no. 5 - Head Master, Saint Francis De Sales High School, Aurangabad, within a period of one week alongwith all the necessary documents. On receipt of such

application, respondent no. 5 to submit the complete proposal to respondent no. 3 - Education Officer within one week from the date of receipt of such application. On receipt of such proposal from respondent no.5, the Education Officer to pass appropriate order as expeditiously and not later than three weeks from the date of receipt of proposal from respondent no. 5.

10. We further make it clear that the Education Officer should not reiterate the very ground that the petitioner has left the school and as such, the application cannot be allowed in view of provisions of Rule 26.4 of the Secondary School Code.

11. With these directions, writ petition stands disposed of.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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