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

WRIT PETITION NO.1946 OF 2019

Rohini D/o Dileeprao Sonawane,
Age: 23 years, Occ: Advocate,
R/o. Padlsa, Tq. Gangapur,
Dist. Aurangabad.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai.
2. The Education Officer,
Primary, Zilla Parishad,
Aurangabad.
3. The Head Master,
Primary, Zilla Parishad School,
Padlsa, Tq. Gangapur,
Dist. Aurangabad.

..RESPONDENTS

Mr Prashant U. Kawade, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondent/State

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

DATE : 15th FEBRUARY, 2019

ORAL ORDER :

Heard learned Counsel for the petitioner.

(2)

2. By way of present petition, petitioner challenges the order passed by the Education Officer, Primary, Zilla Parishad, Aurangabad dated 6th February, 2019 whereby the application submitted by the petitioner seeking change of date of birth in school record rejected, taking recourse to the provisions of School Code and more particularly, Rule 26.4. Learned Counsel vehemently submitted that the corrected birth date of the petitioner is 17.06.1995, whereby inadvertently, it was recorded as 01.10.1993 in the school record. It is then submitted that as the father of petitioner could not secure more education and was engaged in his routine activities and leading life with limited resources, was unaware of the mistake or error occurred in recording date of birth.

3. The petitioner, after completing her degree, came to know about mistake. The petitioner then immediately approached various offices, such as Grampanchayat Kusmadi, Taluka Yeola, District

(3)

Nashik and submitted application. The petitioner also approached Village Development Officer seeking copy of the birth certificate and then petitioner approached the Education Officer with an application. Copy of certificates namely, birth certificate and applications are placed on record along with the petition.

4. Learned Counsel for the petitioner also submitted before us that the petitioner in the application also expressed her willingness to appear before the authority in case the authority is desirous of hearing the petitioner personally. He then by placing a heavy reliance on the judgment of this Court dated 7th January, 2009 in the matter of Kishor Sukhdeo Walhekar, Beed vs State of Maharashtra, School Education and Sports Department, Mumbai & ors submitted that rejection is unsustainable. Copy of the judgment of the Division Bench of this Court is placed on record at Exhibit-X.

(4)

5. On perusal of the material placed on record as well as considering the judgment of this Court, on which, reliance is placed, we are of the opinion that learned Counsel for the petitioner made out a case and the petition deserves to be allowed at admission stage. Accordingly, the petition is allowed in terms of prayer clauses (B) and (C).

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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