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

**WRIT PETITION NO.3391 OF 2019**

Pooja d/o Rajendra Kurund,  
Age: Minor, Occ: Education,  
Under Guardian of her father  
Rajendra s/o Babasaheb Kurund  
Age: 45 years Occ: Agri.,  
R/o. Pimpalgaon (Ko), Tq. Washi,  
Dist. Osmanabad. ..PETITIONER

VERSUS

1. The State of Maharashtra,  
Through its Director of  
Education Maharashtra  
State Pune-1
2. The Dy. Director of Education  
Maharashtra State, Latur  
Division Latur
3. The Educatioin Officer (Secondary)  
Zilla Parishad Osmanabad
4. The Head Master,  
Vasant Vidyalay, Pimpalgaon (Ko)  
Tq. Washi, Dist. Osmanabad ..RESPONDENTS

Mr Sahebrao A. Nagarsoge, Advocate for petitioner;  
Mrs A.V. Gondhalekar, A.G.P. for respondent Nos. 1  
to 3;  
Mr D.R. Dhumal, Advocate for respondent No.4

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

**DATE : 18th MARCH, 2019**

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**ORAL ORDER :**

Heard learned Counsel appearing for the petitioner.

2. Considering the grievance raised by the petitioner, wherein a challenge is raised to the order passed by the Education Officer (Secondary), Zilla Parishad, Osmanabad by order dated 26th February, 2019, whereby the Education Officer returned back the proposal seeking change in the school record and the issue is now well settled by the judicial decisions of the Division Bench of this Court, the petition is taken up for final disposal at admission stage.

3. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for respondent Nos.1 to 3 and Mr. Dhumal, learned Counsel waives for respondent No.4.

4. The petitioner is a student prosecuting

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her studies in 12th Standard in Science faculty in respondent No.4 - school. A school leaving certificate was issued to the petitioner on 24th June, 2017 showing the name of the petitioner as Pooja Rajesh Kurund. Copy of the Secondary School Board is also placed on record issued by Latur Divisional Board, wherein again reference is made to the name of the petitioner as Pooja Rajesh Kurund. The father of petitioner by taking appropriate steps sought a change in his name as Rajendra in stead of Rajesh and this change is effected in Government gazettee. In view of this fact, the application was submitted along with affidavit and some other documents wherein name of father of petitioner is recorded as Rajendra and these documents were copy of 7/12 extract, copy of Adhar Card.

5. Respondent No. 2 - Deputy Director of Education, Latur Division, Latur passed an order dated 1st November, 2018 and permitted to effect the change. In spite of order dated 1st November,

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2018 when respondent No.4 - Head Master submitted the proposal to the Education Officer (Secondary), on 20th November, 2018 and the Education Officer only on mechanical application of mind taking recourse to the provisions of Secondary School Code, more particularly rule 26.4 returned back the proposal to the head master.

6. Learned Counsel for the petitioner invited our attention to the order of this Court in Writ Petition No. 6511 of 2013 dated 10th January, 2014, copy of which is placed on record at Exhibit-F. The Division Bench of this Court by order dated 10th January, 2014 could not find favour with the rejection order of the Education Officer on the ground that the student had left school and submitted application, as such, the application cannot be entertained by the Education Officer under rule 26.4. The Division Bench in clear and unambiguous terms observed that the Education Officer erred in returning back the proposal and order of Education Officer is unsustainable in law

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and the Education Officer erred in rejecting the application.

7. Considering the above referred facts, we are of the opinion that the order dated 26th February, 2019 passed by the Education Officer is clearly unsustainable. The petition is allowed in terms of prayer clause (B1). The Education Officer to pass appropriate orders as expeditiously as possible and not later than six weeks from the date of receipt of the order of this Court.

8. With these directions, the petition is disposed of.

( NITIN W. SAMBRE )  
JUDGE

(PRASANNA B. VARALE)  
JUDGE

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