

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 235 OF 2018

SAVITA SANJAY JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner :
Mr. Jadhav N. L. h/f. Mr. M. S. Adate
AGP for Respondents No. 1, 5 & 8 :
Mr. S. P. Tiwari
Advocate for Respondent No. 2 : Ms. Nayana Patil
h/f Ms. Surekha P. Mahajan
Advocate for Respondent No. 3 :
Mr. R. C. Brahmkar
Advocate for Respondent No. 4 : Mr. V. P. Golewar
h/f. Mr. A. R. Joshi
Advocate for Respondent No. 6 : Mr. K. S. Salunke
h/f. Mr. S. J. Salunke

...

WITH

CA/2047/2019 IN WP/235/2018

...

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALÉ, JJ.

DATE: 27th MARCH, 2019

PER COURT :

1. The learned counsel for the petitioner submits that the petitioner had filed an application for correction of the date of birth in the school record, T.C. and the S.S.C.

certificate. The application was moved to the Headmaster, however, no further process was done.

2. We have heard the learned counsel for the respondents also.

3. The learned counsel for respondent no. 6 submits that the petitioner has left the school, as such, now cannot ask for the change of date of birth. He relies on the judgment of the Division Bench of this Court in case of **Vinayak Narhari Kolshikwar Vs. State of Maharashtra and others** reported in 2008 (2) Mh.L.J. 179.

4. In large number of cases it has been observed by this Court that Clause 26.4 of the Secondary Schools Code is directory in nature. Of course, if the petitioner approaches after a long delay, this Court may refuse to exercise its discretion. However, it appears that in the present case the petitioner has left the school in the year - 2012 and the application is made in the year - 2013. The petitioner has produced the extract of the

register of the school. The petitioner claims that her date of birth is 30.06.1996, however, in the T.C. it is recorded as 25.09.1996. There are two Jadhavs in the chronological order and out of that date of birth of Jadhav Navnath in the said extract of the roster reflects as 25.09.1996. Be that as it may, it is for the authorities to consider the same.

5. The Headmaster shall forward the application filed by the petitioner to the Education Officer with regard to the correction of date of birth. The Education Officer shall follow the procedure as contemplated under Rule 26.4 of the Secondary Schools Code read with Appendix - VI. The proposal shall be forwarded by the Headmaster within a period of one week from today and the Education Officer shall after due adherence to the procedure take decision upon it within a period of six (06) weeks thereafter. The procedure as contemplated therein has to be adhered to and followed.

6. In case the Education Officer takes decision in favour of the petitioner, then the authorities shall take further steps accordingly.

7. With these observations, the writ petition stands disposed of. No costs.

8. In view of disposal of the writ petition, the Civil application also stands disposed of.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

marathe