

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7267 OF 2016

Baban S/o Govind Rathod,
Aged 35 years, Occupation : Education,
R/o. Malegaon, Tq. Jintur,
District Parbhani

.. Petitioner

Versus

1] The State of Maharashtra
Through the Department of
School Education and Sports,
Mantralaya, Mumbai – 32

2] The Education Officer,
Zilla Parishad (Secondary),
Parbhani

3] The Head Master,
Eklavya Bal Vidya Mandir, Jintur,
Tq. Jintur, District Parbhani

.. Respondents

...

Mr. R.R. Imale, Advocate for petitioner
Mr. A.V. Deshmukh, Assistant Government Pleader for respondents
no. 1 and 2 – State
Respondent no. 3 served - absent

...

CORAM : SUNIL P. DESHMUKH &
B.U. DEBADWAR, JJ.
DATE : 28-01-2020

ORAL JUDGMENT (PER – SUNIL P. DESHMUKH, J.) :

1. Rule. Rule made returnable forthwith. Heard learned
counsel for the appearing parties finally, by consent.

2. It is the petitioner's case that an inadvertent error once crept in while taking entry of his birth date in the admission register of Central Primary School at Jamb (Budruk), Taluka – Jintur, District – Parbhani, wherein instead of 02-07-1981, the birth date shown is 02-07-1979. In the earlier school, namely, Zilla Parishad Primary School at Malegaon, Taluka - Jintur, District – Parbhani, where petitioner had been taking education from 25-07-1987, correct date of birth is mentioned in admission register as 02-07-1981. Petitioner has annexed documents indicating the same. However, since the Central Primary School at Jamb (Budruk) in Jintur Taluka, District - Parbhani, where the petitioner appears to have taken admission in 1991, the mistake as referred to above crept in, is stated to have been continued. This mistake has been realised, while petitioner is pursuing education.

3. Petitioner contends under a cursory approach, despite aforesaid being genuine case, request to cause change in the concerned record has been turned down by respondent no. 2 – Education Officer (Secondary), Zilla Parishad, Parbhani under impugned order dated 29-03-2016.

4. According to petitioner, that is an obvious mistake and the reason given in the impugned communication about change

being sought subsequent to leaving the school is not entertainable, is not a proper reason.

5. Decision of this court is referred to and relied on by Mr. Imale, learned counsel for petitioner in the case of *Shaikh Shafi Ahmed Khadarsab Vs. The State of Maharashtra and others* reported in 2013(1) Bom.C.R. 660 : 2012(5) Mh.L.J. 36, referring to paragraphs 11 and 12 therein as well as he relies on decision of division bench of this court in the case of *Mirza Shafiq Javedbeg Vs. The State of Maharashtra and others* dated 26-03-2015 in writ petition no. 3655 of 2014. Learned counsel for petitioner also refers to full bench decision of this court in the case of *Janabai d/o. Himmatrao Thakur Vs. The State of Maharashtra and others* dated 17-10-2019 in writ petition no. 8085 of 2017 reported in 2020(1) ALL MR 360 (F.B.).

6. Having regard to aforesaid decisions and looking to the claim of petitioner, it appears to be expedient that the position be verified from the Zilla Parishad Primary School at Malegaon, Taluka - Jintur, District - Parbhani where the petitioner had taken admission before his admission in Central Primary School at Jamb (Budruk) in Taluka - Jintur, District - Parbhani and upon verification, pass appropriate orders keeping in view purport, spirit and intendment under decisions referred to. For aforesaid purpose, it should be deemed that the order dated 29-03-2016 passed by

respondent no. 2 – Education Officer (Secondary), Zilla Parishad, Parbhani is ineffective and inoperative and the same is accordingly set aside.

7. With this, the writ petition is disposed of.

8. Rule is made absolute accordingly.

[B.U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/