

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

WRIT PETITION NO. 7453 OF 2020

Munjabhau Bhagwan Kamle .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mahesh P. Kale, Advocate for the Petitioner.

Mrs. P. V. Diggikar, A.G.P. for the Respondent No. 1.

Shri Bhagwat A. Shinde, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 01ST FEBRUARY, 2021.

FINAL ORDER :

. Mr. Kale, the learned counsel for the petitioner submits that, the petitioner had applied for correction of the surname of the petitioner recorded in the school record instead of Kamle, the same was recorded as Kamble. The proposal/application was submitted to the Education Officer. The Education Officer rejected the proposal only on the ground that the petitioner has left the school. The same is illegal. Mr. Kale, the learned counsel further submits that, in the school record of the father of the petitioner surname is mentioned as Kamle. It is a case of obvious mistake.

2. Mr. Shinde, the learned advocate for the respondent No. 2 submits that, as per Rule 26.4 of the Secondary School Code,

once the student leaves the school the correction in the record cannot be made. The Education Officer has rightly considered the said aspect.

3. The Full Bench of this Court in a case of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and others reported *2019 (6) Mh.L.J. 769* has held that, obvious mistake can be corrected even after the student has left the school and the said provision to that extent would be discretionary.

4. In the light of the above, the impugned order is quashed and set aside. The Education Officer shall consider the application of the petitioner on its own merits and same shall not be rejected on the ground that petitioner has left the school. The decision shall be taken expeditiously and preferably within a period of four (04) weeks from today.

5. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 21