

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1124 WRIT PETITION NO.11167 OF 2021

GIRISH NAGORAO KONDAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Anand V. Indrale Patil
AGP for Respondent No.1 : Mr. S.G. Karlekar
Advocate for Respondent Nos.2 & 4 : Mr. S.B. Pulkundwar

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CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 16-12-2021

PER COURT :

1. The proposal for change in date of birth in the school record has not been accepted by the Education Officer purportedly under Sub clause 26.4 of the Secondary Schools Code (hereinafter, in short 'S.S. Code.'). The proposal was forwarded by the Head Master of the school.

2. We have heard Mr. Indrale Patil, learned Advocate for the petitioner, Mr. Pulkundwar, learned Advocate for the Education Officer and Mr. Karlekar, learned Assistant Government Pleader for the State.

3. The Full Bench of this Court in the case of **Janabai Himmatrao Gajanan**

Thakur Vs. State of Maharashtra and Others reported in 2019 (6) **Mh.L.J. 769** has observed that, “*Clause 26.4 of the S.S. Code is directory. If the obvious mistake is pointed out, then the Education Officer shall consider the proposal even if the student has left the school.*”

4. In light of that, the impugned order is quashed and set aside.
5. The Respondent - Education Officer shall reconsider the proposal seeking correction in the date of birth in the school record. The Education Officer shall consider whether the petitioner has made out a case of obvious mistake while recording his date of birth and thereafter shall consider the proposal on merits. The same shall be considered preferably within four months.
6. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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