

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

WRIT PETITION NO. 4367 OF 2021

Sai Umakant Pinate

.. Petitioner

Versus

The State of Maharashtra and another.. Respondents

Shri S. V. Gundre, Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for Respondent Nos. 1 and 2.

Smt. Surekha P. Mahajan, Advocate for the Respondent No. 3.

Shri P. R. Tandale, Advocate for the Respondent No. 4.

Shri V. V. Bhavthankar, Advocate for Respondent Nos. 5, 6 and 7

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

DATE : 09TH DECEMBER, 2021.

FINAL ORDER :

. The Education Officer has rejected the proposal seeking correction of the date of birth in the school record of the petitioner on the ground that the petitioner has left the school. Probably the Education Officer relying upon Clause 26.4 of the Secondary School Code has passed the impugned order.

2. The Full Bench of this Court in a case of Janabai D/o Hanmantrao Thakur Vs. The State of Maharashtra and others reported in *2019(6) Mh.L.J. 769* has held that, if, it is a case of obvious mistake, then the Education Officer can consider application for correction of date of birth, even if the student has left the school.

3. In the light of that, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal for correction of date of birth of the petitioner in her school record afresh. It shall consider as to whether it is a case of obvious mistake of recording an incorrect date. If he comes to a conclusion that it is a case of obvious mistake, then the proposal shall be decided on its own merits. The same shall be done expeditiously and preferably within a period of one (01) month from today.

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

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec.21