

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

986 WRIT PETITION NO.10374 OF 2019

NAJIM USMAN SHAH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Yogesh H. Jadhav.
AGP for Respondent/State: Mr. A. R. Kale.
Advocate for Respondent No.3 : Mr. U. B. Bondar.
...

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 25th November, 2021.

P.C.:

. The application filed by the petitioner for correction of surname and sub-caste in the school record is rejected by the Education Officer (Secondary). It appears that no application was filed for correction of the primary school record.

2 The Education Officer has rejected the application only on the ground that the petitioner has left the school and the correction is not permissible after the student leaves the school as per Clause 26.4 of the Secondary School Code.

3 The Full Bench of this Court in the case of Janabai Himmatrao Thakur Vs. State of Maharashtra and Others, reported in, 2019 (6)

Mh.L.J. 769, has observed that the said provision is directive and in case of obvious mistake, the Education Officer can entertain the application and pass the orders.

4 In light of the above, we pass the following order:

ORDER

- I. The impugned order is quashed and set aside.
- II. The Education Officer shall reconsider the proposal forwarded to it by the Management for correction of the surname and sub-caste in the school record of the petitioner.
- III. The Education Officer shall come to the conclusion as to whether the case is of an obvious mistake and if he is convinced that the correction is on account of obvious mistake, then may pass orders in that regard.
- IV. The petitioner, it appears, has not applied for correction in the primary school record. The petitioner will be required to also get the primary school record corrected and take steps accordingly.

V. The order shall be passed by the Education Officer (Secondary) upon the proposal afresh, preferably within four months.

VII. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

nga