

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1999 OF 2020

1. Md. Rizwan S/o Md. Khayum Faruqui,
2. Samreen D/o Md. Khayum Faruqui ... **PETITIONERS**

VERSUS

1.	The State of Maharashtra through its Secretary, Education Department Mantraly Mumbai	
2.	Deputy Director of Education, Latur Division, Latur.	
3.	Education Officer (Primary) Zilla Parishad, Nanded.	
4.	Education Officer (Secondary) Zilla Parishad, Nanded.	
5.	Head Master, Z.P Central Primary School, Sindkhed Tq. Mahur Dist. Nanded.	
6.	Head Master, Cosmopolitine Vidhyalaya, Kinwat Tq. Kinwat Dist. Nanded.	
7.	Head Master, Shri Krishna Bhagwan Primary School, Bhokar Tq. Bhokar Dist. Nanded.	
8.	Head Master, Shri Shahu Maharaj Secondary School & Junior College, Bhokar Tq. Bhokar Dist. Nanded.	
9.	Head Master, Z.P High School, Tamsa Dist. Nanded.	
10.	Head Master, Z.P High School (Boys) Mukhed Dist. Nanded	
11.	Head Master, Z.P High School Mukramabad Tq. Mukhed Dist. Nanded.	
12.	Head Master, Shri Shivaji High School Halda, Tq. Kandhar Dist. Nanded	
13.	Principal, Shri Shankarrao Chavan Junior College, Kolambi Tq. Naygaon Dist. Nanded.	... RESPONDENTS

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Advocate for Petitioners : Mr. H.M. Shaikh
AGP for Respondents: Mr. A.A. Jagatkar
Advocate for Respondent No.3 : Mr. S.B. Pulkundwar

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 21.08.2023

PER COURT :

Heard the learned advocate for the petitioners, learned AGP and the learned advocate Mr. Pulkundwar who appears for the respondent No.3.

2. The petitioners who are twins are seeking correction of their school record in respect of their date of birth in the Primary School Record as well as Secondary School Record. The proposals have been rejected by the Education Officer (Primary) and Education Officer (Secondary) - the respondent Nos.3 and 4 respectively, on the ground that since they had left the school the requests could not be considered under Clause 26.4 of the Secondary School Code, 1977. Their appeals preferred to the respondent No.2 - Deputy Director of Education, Latur Division, Latur have been turned down without assigning any reason.

3. The impugned orders passed by the Education Officers (Primary and Secondary) refuse to consider the request merely on the ground that the petitioners have left the School. In the light of the full bench decision in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769** this cannot be the ground for rejection of the request in the circumstances covered by it. It is, therefore, imperative for the Education Officers (Primary and Secondary) to bear in mind the

principle laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra) and to take appropriate decision.

4. We allow the writ petition partly, quash and set aside the impugned orders passed by the Education Officers as well as the Deputy Director of Education in appeal. We relegate the matter to the Education Officer (Primary) Zilla Parishad, Nanded and Education Officer (Secondary) Zilla Parishad, Nanded for decision afresh on the petitioners' proposal in the light of the observations and the principles laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra).

5. The decision shall be taken as expeditiously as possible and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)