

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

14 WRIT PETITION NO.1832 OF 2020

GANESH BAPURAO LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Girish Rane h/f. Mr. Swapnil S. Rathi
AGP for Respondent / State : Mr. K. N. Lokhande
Advocate for Respondent No.2 : Mr. K. S. Solanke

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CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.

DATED : NOVEMBER 28, 2023

PER COURT :

. Heard both the sides.

2. Petitioner has been seeking correction of the school record. However, his request has been turned down by the respondent no.2 – Education Officer only on the ground that he having left the school, correction could not be made by resorting to clause 26.4 of the Secondary School Code, 1977.

3. Considering the fact that the Full Bench of this Court in the matter of *Janabai d/o. Himmatrao Thakur vs. State of Maharashtra and Ors., 2019 (6) Mh.L.J. 769* has considered several aspects, the proposal ought not to have been rejected solely on the ground that the petitioner had left the school, if otherwise the fact situation is squarely covered by the instances considered by the *Janabai (supra)*.

4. The impugned order / communication, therefore, is not sustainable in law.

5. The writ petition is partly allowed. The impugned order / communication is quashed and set aside. The respondent no.2 shall consider the petitioner's proposal afresh on its own merits and in the light of the decision in the matter of *Janabai d/o. Himmatrao Thakur vs. State of Maharashtra and Ors., 2019 (6) Mh.L.J. 769*, as expeditiously as possible and in any case within four weeks.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE