

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

928 WRIT PETITION NO.3218 OF 2018

Sham Jayram Matole

Age : 21 years, Occu : Nil,

R/o. Khalapuri, Post – Bodkha (Bk)

Tq. Ghansawangi, Dist. Jalna

.. Petitioner

Versus

1. Head Master
Zillha Parishad Primary School
Khalapur, Tq. Ghansawangi,
Dist. Jalna

2. Education Officer,
Zilla Parishad Jalna
Tq. & Dist. Jalna

.. Respondents

....

Advocate for Petitioner : Mr. Mahesh K. Bhosle and
Mr. Mahesh L. Muthal

Advocate for Respondents No.1 & 2 : Mr. P. D. Suryawanshi

....

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

DATED : DECEMBER 06, 2023

PER COURT :

. Heard both the sides.

2. The petitioner is seeking correction of the school record.

3. The respondent no.1, who is the Head Master of the Zilla Parishad Primary School, has refuted to process the petitioner's request

only on the ground that he had already left the school and request could not have been considered under the Secondary School Code (for short, 'S.S. Code').

4. Considering the fact that decision under Clause 26.4 of the S.S. Code is supposed to be taken by the Education Officer and not by the Head Master, irrespective of the reason being quoted in the impugned communication, it was not appropriate for the Head Master to process the petitioner's application.

5. Needless to state that the respondent no.2 - Education Officer will have to take decision in accordance with the decision in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769** and the issue about the student leaving the school would not be germane, if petitioner is able to satisfy the Education Officer that it was an obvious mistake.

6. In light of the above, we proceed to pass the following order:

ORDER

(i) The writ petition is allowed.

(ii) The respondent no.1 shall immediately forward the proposal to the respondent no.2 within two weeks and the latter shall decide it on its own merits and in the light of the observations in the matter of

Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.;
2019 (6) Mh.L.J. 769 within four weeks thereafter.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

GGP