

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

47 WRIT PETITION NO.3384 OF 2023

GANESH MAHADAYA SWAMI, THROUGH HIS FATHER
MAHADAYA NAGNATH SWAMI

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Krishna P. Rodge.

AGP for Respondent No.1 : Mr. S. G. Karlekar.

Advocate for Respondent Nos.2 & 3: Mr. U. B. Bondar.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th March, 2023.

Per Court:

1. Since Shri Bondar, the learned Advocate is on the panel of this Zilla Parishad, we requested him to cause an appearance in this matter and assist us. He has, therefore, appeared in the matter.

2. This Petition has been filed by the father of behalf of the son, though he is 23 years of age. It is stated that he is a special child and the medical certificate is on page No.13. He is actually born on 14th September, 1999. By mistake, his birth date is recorded as 14th September, 2001. The proposals forwarded to Respondent Nos.2 and Respondent. 3, are pending a decision.

3. It is by now settled that even if a student leaves the school, Rule 26(4) of the SS Code does not create any impediment in correcting the date of birth, if there is an obvious mistake, as described by the learned Full Bench of this Court in ***Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others, 2019(6) Mh.L.J. 769***, (paragraph 39).

4. In view of the above, this Petition is disposed off.

5. We call upon the learned AGP and Mr. Bondar, the learned Advocate, to ensure that Respondent No.3 and Respondent No.2 decide the respective proposals received by them on their own merits and by following the due procedure laid down in law. Respondent No.2 would first decide the proposal within 30 days and forward the same to Respondent No.3, who would deal with the same within further 30 days.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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