

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

WRIT PETITION NO. 4291 OF 2023

Virendra Vyankatrao Pange .. Petitioner

Versus

Education Officer (Primary)
and another .. Respondents

Shri Shantaram R. Dheple, Advocate for the Petitioner.
Shri V. M. Vibhute, Advocate for the Respondent No. 1.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 05 SEPTEMBER 2023.**

FINAL ORDER :

- . Heard both sides finally at the stage of admission.
2. The petitioner is seeking correction of the school record to the extent of his father's first name and caste pursuant to the provisions of Clause 26.4 of the Secondary School Code.
3. By the impugned order the respondent No. 1/Education Officer (Primary) has refused the permission on the ground that he has left the school.
4. In number of matters this Court has considered the scope and ambit of Clause 26.4 of the Secondary School Code. Ultimately, the Full Bench of this Court in the matter of **Janabai**

D/o Himmatrao Thakur Vs. The State of Maharashtra and another, 2019(6) Mh.L.J. 769 has laid down the parameters. Power to effect change pursuant to the Clause 26.4 of the S. S. Code in the circumstances can be exercised even after the student leaves the school. Consequently, refusing to exercise power under Clause 26.4 of the S. S. Code only on the ground that the petitioner has left the school is not sustainable in law.

5. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent No. 1/Education Officer shall pass fresh order on the proposal of the petitioner for correction in the school record bearing in mind the principles laid down by the Full Bench of this Court in the matter of **Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another** (supra) and shall not reject the proposal only on the ground that the petitioner has left the school. The decision shall be taken as expeditiously as possible, but in any case within a period of four (04) weeks from today. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23