

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

34 WRIT PETITION NO.5037 OF 2022

**SHAIKH SAJID SHAIKH SALIM
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE CHIEF SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Mr. Almas Abdul Quader
AGP for Respondent Nos. 1, 3 & 4 : Mr. A.S.Shinde
Advocate for Respondent No. 2 : Mrs. Mahajan Surekha P.
Advocate for Respondent No. 5 : Mr. Borulkar Avinash R.

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

DATE : 30.10.2023

PER COURT :

Heard both the sides finally.

2. The petitioner is aggrieved by the impugned communication addressed by the respondent No. 2 SSC and HSC Board to the respondent no.4 Education Officer (Secondary) refusing to carry out correction in the mark-memo and the passing certificate of the petitioner.

3. It transpires that in fact, the school register itself was corrected but only under the signature of the headmistresses without there being any order of the Education Officer (Secondary) who alone has the powers under Clause 26.4 of the Secondary School Code to direct correction to be made in the school register. It appears that a request on behalf of the petitioner was forwarded by the headmaster to the Education Officer who in turn, instead of exercising the powers under Clause 26.4 of the Secondary School Code has simply forwarded it to the Board. In the circumstances, the stand of the

Board cannot be objected to as is evident from the impugned communication.

4. We dispose of the writ petition by directing the respondent No. 4 to pass appropriate order in exercise of his powers under Clause 26.4 of the Secondary School Code and in the light of the observations of this Court in the matter of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769**. He shall pass such order as expeditiously as possible and in any case within three weeks from today. In case the Education Officer directs correction of the school record, necessary correction be made with specific endorsement in the school register and thereafter the proposal be forwarded to the Board which shall consider and decide it on its own merits.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-