

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

929 WRIT PETITION NO. 8940 OF 2023

SHAIKH ABUZAR SHAIKH AZHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Salve Avinash Rangnathrao
AGP for Respondent Nos. 1 & 2 : Mr. S.B. Yawalkar
Advocate for Respondent No. 3 : Mr. Khonde Uday V.
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 21 SEPTEMBER 2023

PER COURT :

Heard both the sides.

2. The petitioner is seeking correction of the school record. However, the respondent – Headmaster of the school by the communication dated 04 July 2023, has refused to act and make a proper proposal under clause 26.4 of the Secondary School Code on the ground that the petitioner has left the school.

3. When clause 26.4 of the Secondary School Code, empowers Education Officer to take appropriate decision in the matter, the conduct of the Headmaster in prejudging the issue is not appropriate. He is merely supposed to make a proposal which is to be considered by the Education Officer in accordance with law.

4. We dispose of the Writ Petition by directing the respondent no. 3 to submit appropriate proposal to respondent no. 2 within two

weeks. On receipt of such proposal, the respondent no. 2 shall take appropriate decision within four weeks, thereafter, bearing in mind the decision of the Full Bench of this Court in the matter of Janabai Himmatrao Thakur Versus State of Maharashtra and Others, 2019 (6) Mh.L.J.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/