

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 WRIT PETITION NO.10506 OF 2023

AMRUTA SANJAY KUTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Solanke Shikrashna B.
Addl. GP for the respondent – State : Mr. S.B. Yawalkar
...

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

DATE : 3 NOVEMBER 2023

PC :

Heard.

2. The petitioner's request for change in the school record has been turned down by the Education Officer (Primary) by the impugned communication only on the ground that she had left the school and clause 26.4 of the Secondary School Code, 1977 does not, in the circumstances, permit him to pass any order.

3. Respondent no. 2 – Education Officer (Primary) has been duly served but has not appeared.

4. In the light of the observations of the full bench of this Court in the matter of *Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769*, even if a student leaves

the school, he / she can seek correction of the school record and powers can be exercised by the Education Officer in an appropriate case as is indicated therein. If the petitioner's request falls under those categories obviously, the Education Officer can exercise all the powers under that clause, however, he could not have simply on the ground of she having left the school refused to exercise the powers.

5. The writ petition is allowed partly.
6. Impugned order is quashed and set aside.
7. The respondent no. 2 – Education Officer (Primary) shall consider the proposal on its own merits and in the light of the decision in the matter of ***Janabai*** (supra) and pass a fresh order as expeditiously as possible and in any case within four weeks.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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