

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO.12023 OF 2023

SHAIKH AFTAB SHAIKH KHAISAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. D.K. Dagadkhair h/f. Mr. Bagal Ganesh I.
AGP for the respondent – State : Mr. S.V. Hange
Advocate for respondent no. 6 : Ms. Nayana Patil h/f. Ms. Surekha Mahajan
Respondents no. 5, 7 and 8 served - absent
...

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

DATE : 1 DECEMBER 2023

PC :

Heard.

2. The petitioner's proposal seeking correction of the school record has been returned by the Education Officer (Secondary) only on the ground that he had left the school.

3. In view of the decision in the matter of ***Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769***, in an appropriate case, merely because the student leaves the school, that would not per se be the ground sustainable in law to turn down the proposal. Obviously, the Education Officer will have to take a decision keeping in mind the mandate of law laid down in the matter of ***Janabai*** (supra).

4. The writ petition is allowed partly.
5. Impugned order is quashed and set aside.
6. The respondent – Education Officer (Secondary) shall take a fresh decision on its own merits and in the light of the decision in the matter of ***Janabai*** (supra), however, shall not reject it or refuse to consider it only on the ground that the petitioner had left the school. The decision shall be taken as expeditiously as possible and in any case within four weeks.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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