

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.10559 OF 2023

DILIP RAGHUNATH ADATRAO
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Bayas Anandsingh Sangramsingh
AGP for the respondent – State : Mr. A.A. Jagatkar
Advocate for respondents 4 and 5 : Mr. V.S. Undre
...

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

DATE : 12 OCTOBER 2023

PC :

Heard the learned advocate for the petitioner, learned advocate Mr. Undre, who appears on behalf of the respondents no. 4 and 5 – school as also the learned AGP.

2. The petitioner is seeking correction of the school record. It appears that the proposal was forwarded to the respondent no. 2 – Deputy Director of Education simultaneously with the Education Officer (Primary), Zilla Parishad, Osmanabad. Both of them have rejected the proposal for the reasons recorded in their orders dated 10.04.2023 and 15.05.2023.

3. If it is a matter of correction in the school record in respect of the date of birth, the petitioner will have to first approach the primary school i.e. respondent no. 4, who in turn is supposed to forward it to

the Education Officer (Primary) – respondent no. 3. Nothing of this kind seems to have happened in the matter.

4. In the light of the decision of this Court in the matter of ***Janabai D/o. Himmatrao Thakur Vs. State of Maharashtra and others; 2019 (6) Mh.L.J. 769***, the ground assigned by the respondent no. 2 and the Education Officer (Primary) to refuse to exercise the power only on the ground of the petitioner having left the school long back, would not be sustainable. Be that as it may.

5. We allow the writ petition and permit the petitioner to approach the respondent no. 4 – primary school with a similar request and the respondent no. 4 in turn shall forward the proposal to the respondent no. 3 – Education Officer (Primary) within two weeks of receiving petitioner's application. On receipt of such application, respondent no. 3 shall decide the proposal thereafter as expeditiously as possible and in any case within two weeks thereafter.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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