

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

WRIT PETITION NO.12017 OF 2023

Mahesh s/o Ashok Pentewad

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Secretary,
School Education Department,
Mantralaya, Mumbai – 400 032.
2. The Education Officer (Primary)
Nanded Waghala City
Municipal Corporation, Nanded
3. The Education Officer (Secondary),
Zilla Parishad, Nanded.
4. The Maharashtra State Board of
Secondary and Higher Secondary Education,
Pune. Divisional Board, Latur,
through its Divisional Secretary.
5. The Headmaster,
Primary School-1, Vazirabad,
Nanded Waghala City Municipal
Corporation, Nanded.
6. The Headmaster,
Peoples High School,
Gokulnagar, Nanded,
Tal. & Dist. Nanded.

... **RESPONDENTS**

...

Advocate for petitioner : Mr. Rodge Krishna Pratap

AGP for Respondents/State : Mr. S.B. Yawalkar

Advocate for respondent Nos.2 and 5 : Mr. S.P. Urgunde

Advocate for respondent No.4 : Ms. N.D. Patil h/f. Ms. Surekha Mahajan

...

CORAM

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

DATE

: 20.10.2023

PER COURT :

Heard.

2. The petitioner is seeking correction of the school record in respect of his date of birth.

3. A request was made by him to the respondent No.2 who is the Education Officer (Primary) of the Nanded Waghala City Municipal Corporation. By communication dated 17.07.2023 he has refused to concede to the request on the ground that he had left the school and the powers could not be exercised under Clause 26.1 of the Secondary School Code, 1977.

4. In the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.**; 2019 (6) Mh.L.J. 769 full bench of this Court has considered all the aspects and *inter alia* has laid down that merely because a student leaves the school, a request cannot be refused to be considered to exercise the powers under that clause.

5. We quash and set aside the impugned communication and direct the respondent No.2 – Education Officer (Primary) to pass appropriate order in the light of the decision in the matter of **Janabai d/o. Himmatrao Thakur** (supra) as expeditiously as possible and in any case within three weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)