

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.12213 OF 2023

SUPRIYA CHANDRAKIRAN SALVI ALIAS SUPRIYA JITENDRA DHAWDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Latange Vijay Prabhakar Rao
AGP for the respondent – State : Mr. S.R. Yadav - Lonikar
...

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

DATE : 01 NOVEMBER 2023

PC :

Heard learned advocate for the petitioner as also the learned AGP.

2. Leave granted to correct the nomenclature of the respondent no. 2 as Education Officer (Secondary), Zilla Parishad, Pune.

3. Learned AGP waives service for respondents no. 1 and 2.

4. The petitioner is challenging the order passed by respondent no. 2 refusing to exercise the power under clause 26.4 of the Secondary School Code, 1977 and thereby refusing to sanction correction of the school record only on the ground that she had left the school.

5. In the light of the decision in the matter of ***Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769***, merely because a pupil leaves the school, the Education Officer is not denuded of his powers under clause 26.4 in an appropriate case.

6. The impugned order refusing to exercise the powers only on the ground of petitioner having left the school would not be sustainable and the Education Officer would be guided by the decision in the matter of ***Janabai*** (supra).

7. Writ petition is partly allowed.

8. The impugned order is quashed and set aside. Respondent no. 2 shall take a fresh decision on its own merits and in the light of the decision in the matter of ***Janabai*** (supra). 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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