

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

WRIT PETITION NO.14248 OF 2023

- | | |
|-------------------------------|------------------------|
| 1. Uttam Gautam Shendage | |
| 2. Sangeeta Gautam Shendage | |
| 3. Sujata Gautam Shendage | |
| 4. Dattatraya Gautam Shendage | |
| 5. Gautam Baburao Shendage | ... PETITIONERS |

VERSUS

- | | |
|---|------------------------|
| 1. The State of Maharashtra
through Secretary
Education Department
Mantralaya, Mumbai – 32 | |
| 2. The Education Officer (Primary)
Zilla Parishad, Osmanabad
Dist. Osmanabad | |
| 3. The Head Master,
Zilha Parishad Primary School
Dharur, Tq. and Dist. Osmanabad | ... RESPONDENTS |

...

Advocate for Petitioner : Mr. Rathi Swapnil S.

AGP for Respondent/State : Mr. S.G. Sangale

Advocate for Respondent Nos.2 and 3 : Mr. B.B. Bhise

...

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

DATE : 10.11.2023

PER COURT :

Learned advocate Mr. Bhise causes appearance on behalf of respondent Nos.2 and 3. We have heard both the sides.

2. The petitioners are seeking correction of the school record after having left the school long back.

3. By the impugned communication, the respondent No.2 - Education Officer (Primary) Zilla Parishad, Osmanabad, seems to have refused to exercise the powers under Clause 26.4 of the Secondary School Code, 1977 only on the ground of delay.

4. In the light of the decision of the full bench 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 this power under clause 26.4 can be exercised even after a student has left the school. There will have to be an objective scrutiny by the respondent - Education Officer who would thereafter be obliged to pass the order in accordance with the law and in the light of the decision in the matter of **Janabai d/o. Himmatrao Thakur** (supra).

5. The writ petition is partly allowed. The impugned communication is quashed and set aside. The respondent No.2 - Education Officer (Primary) shall decide the petitioners' application in the light of observations and the principles laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra). The decision shall be taken as expeditiously as possible and in any case within six weeks.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)