



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6082 OF 2024

ASHFAQUE KHAN HASAN KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Bhosale Mahesh Kalidas
AGP for Respondents/State : Mr. R.S. Wani
Advocate for the Respondent No.3 : Mr. S.R. Yadav-Lonikar

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

DATE : 25 JUNE 2024

PER COURT :

. Heard both the sides.

2. Petitioner's request for correction of the school record in the light of clause 26.4 of the Secondary School Code 2006 has been refused to consider by the Education Officer (Primary), Zilla Parishad, Parbhani by the impugned communication on the sole ground of he having left the school even before making the request.

3. The full bench of this Court in the matter of **Janabai Himmatrao Thakur vs The State Of Maharashtra And Others** AIRONLINE 2019 BOM 1055, has laid down the parameters as to when even under clause 26.4 in an appropriate case, the request for correction of the school record can be considered. The impugned communication does not demonstrate

about the Education Officer (Primary) having borne in mind the law laid down in the matter of Janabai.

4. The impugned order being not sustainable is liable to be quashed.

5. The writ petition is allowed partly. The impugned order is quashed and set aside.

6. The matter is relegated back to the Education Officer (Primary) for decision afresh on the petitioner's proposal on its own merits and in the light of Janabai (supra).

7. The decision shall be taken as expeditiously as possible and in any case within six weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]