



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

WRIT PETITION NO. 3714 OF 2024

Syed Sufiyan Abdul Raheem .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri K. N. Shermale, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1, 4 and 5.

Ms. Nayana Patil, Advocate h/f Ms. Surekha Mahajan, Advocate
for the Respondent No. 2.

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

DATE : 18 JULY, 2024.

FINAL ORDER :

. Though the matter is shown to be await service to the respondent Nos. 3, 5 and 6, learned A. G. P. waives service on behalf of the respondent No. 5.

2. It is being submitted that the petitioner is mainly seeking to take exception to the impugned communication whereby the respondent/Education Officer (Secondary), Zilla Parishad, Beed has refused to exercise the powers under Clause 26.04 of the Secondary School Code for correction of the school record of the petitioner has been turned down on the ground that he has already left the school.

3. Indeed, in the light of the observations of the Full Bench in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another reported in *2019(6) Mh.L.J. 769* pupil leaving the school cannot be the ground to prevent the Education Officer from exercising the powers under Clause 26.04 of the Code, albeit, the parameters have been laid down.

4. It would be necessary for the Education Officer Secondary now to examine the proposal for correction of the school record bearing in mind parameters/principles laid down in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another (supra) and he may not have without that refused to exercise the powers on the sole ground mentioned in the impugned communication.

5. Writ petition is allowed partly. The respondent No. 4/Education Officer (Secondary), Zilla Parishad, Bed shall take fresh decision on the proposal forwarded by the Head Master of Mansoor High School Raviwarpeth, Ambejogai on its own merits and in the light of the principles laid down in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another (supra). The decision shall be taken as expeditiously as possible and in any case within a period of six (06) weeks from today.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24