



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4832 OF 2024

Sagar Pandit Ingale

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary, Govt. School
Education and Sports Department,
Mantralaya Mumbai - 32
2. The Maharashtra State Board
of Secondary and Higher Secondary
Education, Division, Station Road,
Osmanpura, Ch. Sambhajinagar.
3. The Education Officer (Secondary)
Education Department,
Zilla Parishad, Ch. Sambhajinagar
4. Headmaster,
Prabodhan Vidyalaya, Shelgaon,
Tq. Kannad, Ch. Sambhajinagar

... RESPONDENTS

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Advocate for the Petitioner : Mr. Solanke Krushna S.
AGP for Respondent / State : Mr. A.R. Kale

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CORAM

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

DATE

: **29.08.2024**

PER COURT:

The petitioner is seeking correction of the school record to the extent of year of his date of birth in light of provision of Clause 26.4 of the Secondary School Code, 1977 and is aggrieved by the impugned communication, whereby, respondent No.4 – Headmaster has refused to entertain the request on the ground that he had left school.

2. We have heard the learned advocate for the petitioner and the learned AGP. None present for respondent No.4 though served.
3. In view 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** leaving of the school by the pupil is not a legitimate ground for refusing to consider the request and exercise the powers under Clause 26.4, obviously, within the parameters laid down therein.
4. The impugned communication does not demonstrate about consideration of the parameters laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra), besides the fact that when the power under Clause 26.4 is confirmed upon the Education Officer, the Headmaster would not have any power and jurisdiction to refuse the request.
5. The writ petition is allowed partly. The impugned communication is quashed and set aside. The respondent No.4 – Headmaster shall immediately forward the petitioner's proposal to respondent No.3 – Education Officer, within two weeks and the Education Officer shall take appropriate decision in accordance with law on such proposal and in the light of **Janabai d/o. Himmatrao Thakur** (supra) within four weeks on receipt of the proposal.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)