



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

WRIT PETITION NO. 13746 OF 2019

JAISHRI DAMODHAR MUNDE

VERSUS

THE EDUCATION OFFICER SECONDARY
ZILLA PARISAHD BEED AND OTHERS

...

Advocate for Petitioners : Mr. M.S. Shaikh h/f Mr.Deshmukh Sachin S.

AGP for Respondent/State : Mr. K.N. Lokhande

Advocate for Respondent No.4 : Mr. Deshmukh Shambhuraje V

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

DATE : 19 JUNE 2024

PER COURT :

. We have heard both the sides.

2. The petitioner has been seeking correction of the school record to the extent of Date of Birth. The respondent no.1 by the impugned order/communication addressed to the respondent no.2, has refused to consider the proposal by mentioning that in the light of Clause 26.4 of the Secondary School Code, no such correction could be directed since the petitioner had left the school way back in the year 1979.

3. Since the impugned order is passed merely for the aforementioned reason of petitioner having left the school and Clause 26.4 of the Secondary School Code does not permit such correction to

be made, we would be guided by the decision of the full bench in the matter of **Janabai Himmatrao Thakur vs The State Of Maharashtra And Others** AIRONLINE 2019 BOM 1055, wherein it has been laid down *inter alia* that pupil leaving the school *ipso facto* would not deprive appropriate decision to be taken under Clause 26.4 in an appropriate case. The parameters have been laid down therein. We do not intend to delve into them.

4. The only ground resorted to in passing impugned communication/order cannot sustain. The writ petition is allowed partly. The impugned communication is quashed and set aside.

5. The respondent no.1 shall take appropriate decision on the proposal for correction of the school record to the extent of Date of Birth in accordance with law and in the light of the observations and conclusions of full bench in the matter of Janabai (supra). The decision shall be taken after extending an opportunity to the petitioner to be heard, as expeditiously as possible and in any case within six weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]