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

36 WRIT PETITION NO. 2 OF 2024

**DAYANAND DADARAO TUPE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

....

Mrs Kavita S. Bhale, Advocate for Petitioner;
Mr P. K. Lakhotiya, A.G.P. for Respondent Nos.1 & 3
Mr K. N. Shermale, Advocate h/f Mr U. S. Mote, Advocate for
Respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 2nd January, 2024

PER COURT:

1. The Petitioner has already received an order from the learned Judicial Magistrate First Class, Phulambri, dated 12/03/2021 in Criminal Misc. Application No.32/2021, by which, his date of birth has been declared to be 01/01/1998.

2. The learned Advocate representing Respondent No.2 / Secondary and Higher Secondary School Education Divisional Board, Chhatrapati Sambhajnagar (Board), submits that, Respondent No.3/ Education Officer (Secondary), Zilla Parishad,

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Chhatrapati Sambhajnagar will have to first exercise his powers under Rule 26(3) and 26(4) of the Secondary School Code.

3. In view of the above, **this Writ Petition is disposed off.** We direct Respondent No.3 to follow the decision of the Court, dated 12/03/2021, and the pending Application of the Petitioner be accordingly decided within 30 days. Thereafter, the Petitioner would collect the said order and place it before Respondent No.2/Board, by tendering an appropriate Application in accordance with the prescribed procedure. Respondent No.2/Board would issue appropriate certificates within 30 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk