

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17939 OF 2024

Ankita Ankush Mote

... Petitioner

versus

State Government of Maharashtra
Through the Secretary of Department
of Education and Others

... Respondents

....

Mr.Satish S.Raut for the Petitioner.

Ms.P.J.Gavhane, AGP for the Respondent -State.

....

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 9TH DECEMBER, 2024

P.C.:

1. We have perused the birth certificate dated 9th May, 2024 placed on record in the Petition paper book. The birth certificate indicates the date of registration as 29th February, 1992. The Petitioner's date of birth is 18th February, 1992. A mistake occurred in the school leaving certificate issued by the school at Taluka Malshiras, District Solapur, incorrectly mentioning the date of birth as 11th February, 1992 instead of 18th February, 1992.

2. The Petitioner has now applied for a Visa and the Rules mandate that the date mentioned in the form and the school certificates, should match. The Education Officer has rejected the application of the Petitioner on the ground that Rule 26 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (the Rules of 1981), does not permit a change after a student has left the school. This issue is dealt with by the Full Bench of this Court in *Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & Others, 2019(6) Mh.L.J.769* .

3. In view of the above, **this Writ Petition is partly allowed in terms of prayer clauses (b) and (c),** which read as under :

“b) That by Writ of Mandamus and or by appropriate writ, direction and order of similar nature, the Hon’ble Court be pleased to quash and set aside the impugned order dated 26/11/2024 passed by the Respondent No.3.

c) That this Hon’ble Court may be pleased to direct the Respondent No.3 to grant permission to the Respondent No.4 to make correction in date of birth in school record and issue fresh school leaving certificate to the petitioner indicating the birth of the petitioner as 18/02/1992 as early as possible”.

4. The Education Officer shall pass an appropriate order for correcting the date of birth of the Petitioner in the school records to indicate the date of birth as 18th February, 1992.

5. Considering the urgency of the Petitioner, let the Education Officer pass such order by 12.00 noon tomorrow, 10th December, 2024. Such certificate shall be presented by the Petitioner before the concerned school which will issue the corrected certificate by 4.00 pm, on 10th December, 2024.

6. Parties need not wait for this order to be uploaded.

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)