



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1736 OF 2025

MOHINI GANGADHAR BAWANE

VERSUS

STATE OF MAHARASHTRA THROUGH THE DEPARTMENT OF
RURAL DEVELOPMENT AND OTHERS

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Advocate for the Petitioner : Mr. Mayur Subhedar
h/f. Mr. Dharurkar Chaitanya V.
AGP for Respondent No. 1 and 2 : Mr. S.V. Hange

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 06.02.2025

PER COURT :

. The petitioner is questioning the communication of the respondent – Education Officer (Secondary) whereby he has refused to exercise the powers under Clause 26.4 of the Secondary School Code, only on the ground of the petitioner having passed out from the school, which ground will have to be applied in accordance with law laid down in *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*.

2. Without examining the request on the touchstone of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*, the decision could not have been taken.

3. The writ petition is allowed partly. The impugned communication is quashed and set aside. The respondent – Education Officer shall consider the proposal on its own merits and especially in the light of the observations and the conclusions in *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*. A fresh decision shall be taken on the same proposal within five (05) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/