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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

74 WRIT PETITION NO. 2008 OF 2025

SANJAY DAYARAM DEORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

Mr.Y.B.Bolkar h/f Mr.A.S.Mali, Advocate for the petitioner.
Mr.V.M.Kagne, AGP for the respondent/State.
Mr.U.S.Patil, Advocate for respondent No.2.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : FEBRUARY 11, 2025

PER COURT :

1. We have heard both the sides finally.
2. By the impugned order dated 25.09.2023, respondent No.2 / Education Officer, Primary, has refused to exercise the powers vested in him under Clause 26.4 of the Secondary School Code only on the ground that it could be exercised only till the time a student is taking education in the school, which ground find favour in the matter of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others [2019(6) Mh.L.J. 769]**.

3. In the light of the above, the writ petition is partly allowed. The impugned order is quashed and set aside. Respondent No.2 / Education Officer shall now consider the same proposal and pass a fresh order strictly in the light of the principles laid down in the matter of Janabai (supra), as expeditiously as possible and in any case within 5 weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)