



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 2323 OF 2025

UJWAL BHAGWANTRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. V. P. Savant

AGP for Respondent-State : Ms. P. J. Bharad

...

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

DATE : 10.03.2025

PER COURT :-

. We have heard both the sides.

2. The petitioner is aggrieved by the communication of the Deputy Director of Education, whereby, he has set aside the decision of the Education Officer taken by him in exercise of the powers under Rule 26.4 of the Secondary School Code and by making observations referring to the decision in the matter of *Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & others, 2019(6) Mh.L.J.769 (FB)*. He has concluded that the

mistake to be corrected was not an 'obvious mistake'.

3. In fact, the Education Officer (Secondary) alone is empowered to grant permission/ pass appropriate order under Rule 26.4. Neither that rule nor Appendix-VI to the Code contemplates any contingency, wherein the Education Officer (Secondary) has to make further recommendation to the Deputy Director of Education. It appears that this is where the things seem to have gone wrong. The Education Officer (Secondary) had passed the order granting permission for correction of the petitioner's school record on a proposal forwarded by the Head Master, strictly as contemplated under Rule 26.4, on 25.11.2024.

4. For the reasons best known to the Education Officer (Secondary), in spite of having passed such order, by the communication dated 30.12.2024, he forwarded the proposal recommending such change to the Deputy Director of Education presumably because of another request by the petitioner for consequential correction in the record of junior college.

5. Considering the fact that, if the Education Officer had permitted correction in the surname in the secondary school record, the institution being the same, we cannot comprehend as to how some other order would be required, at least we have not been demonstrated any law to have another permission for carrying out correction in the record of junior college wherein the petitioner was studying.

6. We allow the writ petition, quash and set aside the impugned order of the Deputy Director of Education. We direct the respondents to take into consideration the corrected school record of the petitioner and issue appropriate orders for correction of other record as prayed for.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)