



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2294 OF 2025

SAYAMA NAYYUM PATHAN
VERSUS

1. THE EDUCATION OFFICER PRIMARY, ZILLA PARISHAD, CHH.
SAMBHAJINAGAR
2. THE HEAD MASTER, SHREE EKNATH VIDYA MANDEER, HARSUL,
CHH. SAMBHAJINAGAR

...
Advocate for the Petitioner : Mr. Wagh Umakant U.
AGP for Respondent No.1 : Mr. PR. Nangare

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

DATE : 18.02.2025

PER COURT:

Heard both the sides.

2. The petitioner is seeking correction of the school record to the extent of reference to the caste. The proposal forwarded by the respondent No.2 - Headmaster has been rejected by the impugned order dated 31.01.2025 (**Exhibit – C**).

3. We have heard the learned advocate for the petitioner and the learned advocate who appears *suo moto* for the respondent No.1.

4. Interesting enough to note that in spite of being made aware that the petitioner was seeking correction of the school record specifically by referring to the decision of the full bench in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J.**

769, the respondent No.1 has refused to exercise the powers under Clause 26.4 of the Secondary School Code, 1977 only on the ground of petitioner having left the school, when, *ex facie* the issue has been addressed by the full bench laying down the circumstances, under which this cannot be in a given case, a legally sustainable ground. It has been laid down that if it is a matter of merely carrying out correction in respect of an obvious mistake, it was imperative for the Education Officer to have pondered upon and reached some conclusion in that regard else reference to **Janabai d/o. Himmatrao Thakur** (supra) in the impugned order is clearly without any application of mind.

5. The writ petition is partly allowed.
6. The impugned order is quashed and set aside.
7. The respondent No.1 shall take a fresh decision on the proposal but it shall not be rejected on the ground of petitioner having left the school if otherwise respondent No.1 forms an opinion that the mistake sought to be corrected is an obvious mistake as laid down in **Janabai d/o. Himmatrao Thakur** (supra).
8. The decision shall be taken, as expeditiously as possible and in any case within four weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)