



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 WRIT PETITION NO. 3289 OF 2025

**BHAGYASHRI DINESH KAWALE
THROUGH GUARDIAN SUNITA DINESH KAWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

.....
Advocate for the Petitioner : Mr. Solanke Krushna S.
AGP for Respondents/State : Mr. Amar V. Lavte
.....

**CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.
DATE : 12.03.2025**

P.C. :-

1. Heard the learned advocate for the petitioner as also the learned AGP.
2. Though prayer clause-B cannot be entertained at this stage inasmuch as the date of birth in the school record is still to be changed, we are considering the petition only in respect of prayer clause-C whereby the petitioner is challenging the order of the respondent/Education Officer (Secondary) dated 13.01.2025 refusing to consider the proposal in exercise of the powers under Rule 26.4 of the Secondary School Code on the ground that those can be exercised only during the time the pupil is undertaking

education in the school. In the light of the law laid down in the matter of **Janabai Himmatrao Thakur V/s. the State Of Maharashtra & Others; (2019) 6 MH. L.J. 769**, unless a decision is arrived at regarding the mistake to be genuine and obvious, the Education Officer could not have refused to undertake it.

3. The writ petition is allowed partly only to the following extent;
- i) The impugned communication dated 13.01.2025 is quashed and set aside.
 - ii) The matter is remitted back to the Education Officer for taking a fresh decision in the light of the observations in **Janabai**, as expeditiously as possible and in any case within six weeks.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]