



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4717 OF 2025

SHAIKH AKHTAR AHMED SHAIKH BASHEER AHMED
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS

...

Mr. Farooqui Luqmaan Kaseem Farooqui, Advocate for the Petitioner
Ms. V. N. Patil Jadhav, AGP for Respondent Nos. 1 to 3

...

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

DATE : 07.04.2025

PER COURT :

. Heard.

2. The petitioner is challenging the order of respondent No. 3 - the Education Officer (Secondary) dated 13.09.2024, whereby he has returned the proposal forwarded by the headmaster for carrying out necessary corrections to the school record of the petitioner resorting to Rule 26.4 of the Secondary School Code on the ground that the petitioner had left the school long back.

3. We have heard learned AGP for respondent Nos. 1 to 3.

4. The impugned communication reflects that under the perception that the power under Rule 26.4 of the Secondary School

Code cannot be exercised after the student has passed out from the school would not be wholly legally sustainable ground in light of parameters laid down in the matter of ***Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769.***

In appropriate case, such correction can be made by resorting to the very same provision, even if the student has left the school. The impugned communication does not reflect that respondent No. 3 – the Education Officer (Secondary) has born in mind these parameters. The order/communication is not legally sustainable. Respondent No. 3 – the Education Officer (Secondary) will have to undertake threadbare scrutiny applying parameters/observations laid down in the matter of ***Janabai*** (Supra).

5. The writ petition is allowed partly. The impugned communication is quashed and set aside. Respondent No. 3 – the Education Officer (Secondary) shall reconsider the same proposal on its own merits and by bearing in mind and applying the principles laid down in the matter of ***Janabai*** (Supra). The decision shall be taken afresh, as expeditiously as possible, and in any case, within six weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/