



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3708 OF 2025

KAPIL PRAKASHRAO DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. K. P. Rodge h/f. Mr. Palnitkar S.S.

AGP for Respondents/State : Ms. P. J. Bharad

Advocate for Respondent No. 2 : Ms. Yogita Thorat

Advocate for Respondent No. 4 : Ms. Nayana Patil h/f.

Ms. Surekha Mahajan

Advocate for Respondent No. 5 : Mr. S. S. Jadhavar

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

DATE : 18.03.2025

PER COURT :

. The petitioner is seeking correction of his surname in the school record and consequential changes in the documents /certificates issued by rest of the respondents.

2. We have heard both sides.

3. The impugned order of respondent No. 2 - the Education Officer (Primary) refuses to exercise the powers under Rule 26.4 of the Secondary School Code only on the ground that the petitioner was not undertaking education and had left the school long back.

4. In light of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*, children leaving a school cannot, invariably be a ground for refusing to exercise the powers under Rule 26.4. Depending upon the facts and circumstances, the decision will have to be taken in light of the principles laid down therein. The impugned order does not demonstrate about respondent No. 2 – the Education Officer (Primary) having considered the law laid down in their application and the order would be unsustainable.

5. The writ petition is allowed partly. The impugned order is quashed and set aside. Respondent No. 2 – the Education Officer (Primary) is directed to reconsider the proposal on its own merits in light of *Janabai d/o Himmatrao Thakur (Supra)*, afresh, as expeditiously as possible, and in any case, within four (04) weeks.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/