



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4128 OF 2025

MUBARAK AYYUB SHAIKH
THROUGH GUARDIAN AYYUB ABBAS SHAIKH
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Mr. Solanke Krushna S., Advocate for the Petitioner
Mr. A. V. Lavte, AGP for Respondent Nos. 1 and 2

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

DATE : 26.03.2025

PER COURT :

. Heard.

2. Issue notice to respondent Nos. 1 and 2. Learned AGP waives service for both.

3. We have heard both sides finally.

4. By the impugned order dated 17.02.2025, respondent No. 2 – the Education Officer (Secondary) has refused to exercise the powers under Rule 26.4 of the Secondary School Code on a proposal forwarded by the headmaster for change in the school record of the petitioner on the ground that the power can be exercised only in respect of the students taking education.

5. Since, the only ground on which the impugned order has been passed demonstrates lack of application of the principles laid down by the full bench in the matter of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*, it would be appropriate that the impugned order is quashed and set aside and respondent No. 2 – the Education Officer (Secondary) is called upon to take a fresh decision in accordance with the principles laid down therein.

6. The writ petition is allowed partly. The impugned order is quashed and set aside. Respondent No. 2 – the Education Officer (Secondary), Zilla Parishad, Chh. Sambhajinagar shall reconsider the proposal dated 30.01.2025 on its own merits and in accordance with the principles and parameters laid down in the matter of *Janabai (Supra)*.

7. The decision shall be taken as expeditiously as possible, and in any case, within six weeks.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/