



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4442 OF 2025

KHAN AMANULLAH MO. NASRULLAH
VERSUS
CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD PARBHANI AND ANOTHER

...

- Mr. Sisodiya Ashutosh C, Advocate for the Petitioner
- Ms. D. S. Jape, AGP for Respondent No. 2

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

DATE : 02.04.2025

PER COURT :

. The petitioner is challenging the order of the Education Officer (Secondary) dated 11.02.2025, whereby he has refused to exercise the powers vested in him under Rule 26.4 of the Secondary School Code thereby refusing to permit change of the school record to the extent of sub-caste, only on the ground that the petitioner has passed out long back in the year 2010-11.

2. Issue notice to respondent No. 2. Learned AGP waives service of notice.

3. Irrespective of the wording of Rule 26.4, read with appendix '6' to the Secondary School Code, in the matter of *Janabai*

d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769, circumstances have been indicated/discussed wherein, in an appropriate case, pupil leaving the school cannot be the ground for refusing the request for effecting change in the school record.

4. The impugned communication does not indicate about respondent No. 2 – the Education Officer (Secondary) having borne in mind the principles laid down in the matter of *Janabai (Supra)*, without which the order would not be sustainable in law. If he has to undertake an objection scrutiny in terms of the interpretation of the full bench in the matter of *Janabai (Supra)*, *qua* the powers to be exercised under Rule 26.4 of the Secondary School Code.

5. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remitted back to respondent No. 2 – the Education Officer (Secondary) for reconsideration of the selfsame proposal on its own merits and in light of the principles laid down in the matter of *Janabai (Supra)*. The decision shall be taken as expeditiously as possible and in any case within eight weeks.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/