



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

57 WRIT PETITION NO. 7567 OF 2025

JYOTI MANSUB SHERTE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. K. S. Solanke, Advocate for the Petitioner

Mr. M. M. Nerlikar, Addl. G.P. for the Respondents – State

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CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 30.06.2025

PER COURT :-

1. The Petitioner in the present case is aggrieved by rejection of his application for change in date of birth by a communication dated 11.06.2024, issued by Respondent No.3 Headmaster of the concerned school.

2. It is submitted that if the procedure contemplated under Rule 26.3 and 26.4 read with Appendix-Six of the Secondary Schools Code, are applied to the facts of the present case, it becomes obvious that the said impugned communication is unsustainable.

3. It is submitted that a proper application of the said Rules along with the said Appendix-Six of the Secondary Schools Code, shows that Respondent No.3 Headmaster was required to only forward the form/proposal submitted by the Petitioner for change in date of birth to the Education Officer i.e. Respondent No.2. Instead of doing so, the Respondent No.3 Headmaster rejected the proposal at his own level. This is stated to be in the teeth of the said procedure. Reliance is placed on an order dated 20.08.2024 passed by this Court in *Writ Petition No.8739 of 2024 (Junaid Ambari Shafiur Rehman Ambari Vs. The State of Maharashtra and others)*.

4. This Court has perused the aforementioned Rules along with Appendix-Six of the Secondary Schools Code, and the aforementioned order passed by this Court.

5. There is a substance in the contention raised on behalf of the Petitioner that the procedure in the present case is not followed as the Headmaster at his own level, rejected the proposal for change of birth date, instead of forwarding the proposal to the Education Officer.

6. On this short ground, the present Writ Petition deserves to be partly allowed. The impugned communication/ order dated 11.06.2024, is set aside and Respondent No.3 Headmaster is directed to forward the proposal submitted by the Petitioner to Respondent No.2 Education Officer.

7. The Respondent No.2 Education Officer shall decide the said proposal on its own merits, strictly in accordance with law.

8. This Court has made no observations on the merits of the claim made by the Petitioner. The Writ Petition is accordingly disposed of. Pending Civil Applications, if any, shall also stand disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]

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