



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7972 OF 2025

PATHAN MUJAHED KHAN S/O PATHAN HAMMED KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

- Mr. Farooqui Luqmaan Kaseem Farooqui, Advocate for the Petitioner
- Mr. R. K. Ingole, AGP for Respondents/State

...

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

DATE : 07.07.2025

PER COURT :

1. Considering the issue raised in the present petition, respondent No. 4 is not a contesting respondent and hence service of notice of respondent No. 4 is dispensed with.
2. Rule. Rule is made returnable forthwith by consent of parties. The learned AGP waives notice on behalf of respondent Nos. 1 to 3.
3. The grievance of the petitioner is a the proposal moved on his behalf for correction of date of birth has been rejected by respondent No. 3 – the Education Officer (Secondary), only on the ground that such a proposal cannot be considered under Rule 26.4 of the Secondary School Code 2015. It is submitted that the said respondent has committed an error because under the said rule, in a given set of

circumstances, such a power can indeed be exercised by the Education Officer. Reliance is placed on Full Bench judgment of this Court in the case of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*.

4. After having heard learned counsel for the petitioner and the learned AGP, we are of the opinion that respondent No. 3 – the Education Officer (Secondary) has fallen in error in proceeding on the basis that there is a complete embargo on considering proposal for change of date of birth once the student has left the school, while exercising power under Rule 26.4 of the aforesaid Code. A perusal of the said rule indeed shows that there is a narrow window within which such power can be exercised and it was for respondent No. 3 – the Education Officer (Secondary) to consider whether the petitioner satisfies the requirements of such a narrow window for making corrections.

5. Learned counsel for the petitioner is justified in relying upon an order passed by this Court in similar circumstances in the case of *Shaikh Akhtar Ahmed Shaikh Basheer Ahmed Vs. The State of Maharashtra Through Secretary and Others (order dated 07.04.2025 passed in Writ Petition No. 4717 of 2025)*, when the matter was remanded to the Education Officer for consideration afresh.

6. In view of the above, the petition is partly allowed. The impugned order/communication dated 08.05.2025 is quashed and set aside and the matter is remanded to the Education Officer for consideration afresh. The said respondent is expected to consider as to whether the proposed change in the date of birth falls within the narrow window of correcting obvious mistakes in *bona fide* cases.

7. This Court has expressed no opinion on the merits of the matter.

8. Respondent No. 3 – the Education Officer (Secondary) is expected to decide the matter afresh expeditiously.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

jhs/