



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

41 WRIT PETITION NO. 8001 OF 2025

NITIN SUBHASH RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Ms Pranita S. Ingle, Advocate for the Petitioner

Ms S. S. Joshi, AGP for Respondent Nos.1 and 3 – State

Mr. A. R. Nikam, Advocate for Respondent Nos. 2

Ms Nayana Patil, Advocate h/f Ms Surekha Mahajan, Advocate
for Respondent No.6

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

DATE : 14.07.2025

PER COURT :-

1. Although this Petition is listed for the first time before this Court for consideration, we are of the opinion that it can be disposed of by issuing appropriate directions in terms of Rule 26.4 of the Secondary Schools Code, 2015.

2. The Petitioner has applied for correction of the date of birth after leaving the school; hence, Rule 26.4 of the Code is applicable. As per the said Rule, Respondent No.5, the

Headmaster, is supposed to forward the application for correction of date of birth to the Education Officer. However, it appears that no such steps have been taken by Respondent No. 5 to forward the application, as required under the said Rule, to the concerned Education Officer for consideration and disposal in accordance with law.

3. Respondent No.4 is the primary school in which the Petitioner had studied. There is nothing to show that the Petitioner has applied to the said Respondent for correction of date of birth. If such an application is made, the Respondent No.4 will also have to forward the same to the concerned Education Officer.

4. The Respondent Nos. 1 and 3 are represented by the learned AGP, Respondent No.2 is represented by Mr. Nikam, learned counsel, while Respondent No.6 is represented by Ms Nayana Patil, holding for Ms Surekha Mahajan, learned counsel.

5. The **Writ Petition is disposed of** by permitting the Petitioner to apply to Respondent No.4 for correction of date of birth within two weeks from today. If such an application is filed before Respondent No.4, the said Respondent shall forward the application

to the Respondent No.2 Education Officer, Primary, Zilla Parishad, Parbhani.

6. Similarly, the application already made by the Petitioner to the Respondent No.5, shall be forwarded by the said Respondent within two weeks from today to the Respondent No.3 Education Officer (Secondary), Zilla Parishad, Parbhani.

7. On receipt of such applications through Respondent Nos.4 and 5, the Respondent Nos. 2 and 3 shall decide such applications in accordance with law, as expeditiously as possible and in any case within two months from today.

8. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

SMS