



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8335 OF 2025

Niharika Bhagwat Narwade
Through Under Guardian Father Bhagwat Appasaheb Narwade
VERSUS
The State Of Maharashtra And Others

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- Mr. K. S. Solanke, Advocate for the Petitioner
- Ms. S. S. Joshi, AGP for Respondent Nos. 1 and 2

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

DATE : 31.07.2025

PER COURT :

1. Considering the limited grievance raised on behalf of the petitioner, although this petition is coming up for hearing for the first time, we are of the opinion that issuance of notice to the Headmaster i.e. respondent No. 3 can be dispensed with. In fact, it is respondent No. 3 - the Headmaster who has forwarded the application of the petitioner for change of place of birth in the school record to respondent No. 2 – the Education Officer (Secondary).

2. Since learned AGP appears for respondent Nos. 1 and 2, we have taken up the petition at this stage itself for disposal. The impugned order dated 21.05.2025 rejects the application of the

petitioner only on the ground that the said respondent cannot exercise power under Rule 26.4 of the Secondary Schools Code, 2015, as the petitioner has already left the school.

3. We are of the opinion that the Education Officer (Secondary) has proceeded on an erroneous reading of Rule 26.4 read with appendix 6 of the aforesaid code. The opening part of the Rule does indicate that the application for change or correction in the register of the school cannot be entertained when the pupil has left the school. The further portion of the rule incorporates an exception which has escaped the attention of respondent No. 2 – the Education Officer (Secondary).

4. Hence, we are inclined to partly allow the petition in the following manner:-

- A) The impugned order dated 21.05.2025 is quashed and set aside as it is passed only on the ground that respondent No. 2 – the Education Officer does not have power to consider such application under Rule 26.4 of the Secondary Schools Code.
- B) The matter is remanded back to the Education Officer for consideration afresh. Respondent No. 2 – the Education Officer (Secondary) shall not reject the application of the petitioner only on the ground that the petitioner has already left the school.

C) Respondent No. 2 – the Education Officer shall reconsider the proposal and decide it on its own merits in the light of the decision of full bench of this Court in **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others [2019(6) Mh.L.J.769 (FB)]**.

5. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

6. In view of the above, the writ petition is **disposed of**.

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

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)