

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

905 WRIT PETITION NO. 6721 OF 2024

Shifa Feroz Pathan Through Guardian Pathan Feroz Mustafa Khan
VERSUS
The State Of Maharashtra Through Its School Education And Sports
Department And Others

...
Mr. K. N. Shermale - Advocate for the Petitioner
Mr. A. R. Kale - AGP for State
Mr. U. S. Mote – Advocate for Respondent No. 2
Mrs. Fatema Kazi h/f Mr. S. S. Kazi - Advocate for Respondents
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**CORAM : R. G. AVACHAT
AND
NEERAJ P DHOTE, JJ.
DATED : 23RD JULY, 2025**

ORAL ORDER : -

1. Heard.
2. The Petitioner takes exception to the order passed by the Education Officer (Secondary), Zilla Parishad, Beed, dated 30.11.2020 [30.11.2021], whereby he refused to correct date of birth of the Petitioner in her school record.
3. According to the Petitioner, she was born on 10.10.2007, whereas her date of birth recorded in the School record is 10.05.2007. She realized the said mistake only when she obtained her birth certificate on 14.01.2021. Immediately thereafter, she moved the application. The Education Officer, however, for a wrong reason, turned down the Petitioner's Application.

4. The Petition has been opposed by the learned AGP on the ground that the parents of the Petitioner, while admitting her to the School, intentionally gave a wrong date of birth with a view to secure admission to the 1st Std. He further submitted that if the correction is made as sought for, the Petitioner would get an advantage to compete with others by five (5) months earlier. This will affect the other competent candidates in the fray whenever such situation may arise. He, therefore, urged for dismissal of the Petition.

5. We do not wish to go into the merits of the matter in detail. The birth certificate on record indicates that the date of birth of the Petitioner is 10.10.2007, whereas at the time of her admission to the School, her date of birth has been recorded as 10.05.2007, i.e., five (5) months earlier than her date of birth. The Application for her admission to the School appears to have been moved by her father. The Education Officer turned down the Petitioner's Application solely on the ground that while admitting her to the 1st Std., the minimum age required was 6 years. However, that was not the position on the relevant date. A Government Resolution dated 11.06.2010 has been placed on record, to indicate that one of the clauses therein suggests that a child completing the age of five years would be eligible for admission to the 1st Std. On the given date, the Petitioner was just 10 days short of completing five (5) years of age. The reason given by the Education Officer, therefore, is incorrect. We are, therefore, inclined to

remit the matter back to the Education Officer to take a fresh decision, on its own merits. It appears that, the Petitioner is not attempting to take any advantage by seeking correction of her school record. She has made an application way back in 2021, while she was in the 10th Std. Now, she is in 12th Std., and has to go a long way. It does not appear that the Petitioner would get any advantage if correction is made. With a view to keep the correct age of records, the necessary correction should be made in her school record. The Education Officer will do the needful. In view of the aforesaid reasons, the Petition deserves to be allowed. The Petition thus succeeds.

ORDER

- [i] The Petition is allowed.
- [ii] The impugned order passed by the Education Officer (Secondary), Zilla Parishad, Beed, dated 30.11.2020 [30.11.2021], is set aside.
- [iii] The Education Officer / Respondent No. 2 shall decide the Petitioner's Application afresh, considering the Government Resolution / Circular and the Birth Certificate of the Petitioner, within a period of two (2) months from the date of receipt of this order.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE