

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9927 OF 2025

Arpita Anil Bhagwat

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Krushna S. Solanke, for Petitioner.
- Mr. V. M. Kagne, AGP for Respondent Nos.1 and 3

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

DATE : 08th AUGUST 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. Although the petition has come up for consideration for the first time, considering the contentions raised on behalf of the petitioner, we are of the opinion that this petition can be disposed of at this stage itself. Issuance of notice to respondent No.4 i.e. Headmaster of the school is dispensed with, for the reason that the said respondent had forwarded the application moved by the petitioner under Rule 26.4 of the Secondary Schools Code, 2015 to the respondent No.3 – Education Officer (Secondary).
3. We find that the only ground on which the respondent No.3 has rejected the application of the petitioner for change of date of

birth in the school record is that the petitioner is no longer studying in the concerned school.

4. Although clause 15 of Appendix-VI of the aforesaid Code read with Rule 26.4 thereof, provides for an appeal to be filed before the Deputy Director of Education to challenge an order passed by the Education Officer, we are of the opinion that the impugned order of the Education Officer can be said to be based on a misunderstanding and erroneous exercise of jurisdiction under Rule 26.4 of the Code.

5. The learned AGP is heard in the matter and we find that on this ground alone, despite availability of an alternative remedy, the impugned order can be interfered with and the matter can be sent back to the respondent No.3 – Education Officer, to be decided on merits.

6. The aforesaid Rule indicates that if the petitioner is no longer studying in the school, the application can be considered only for correcting *bona fide* or obvious mistake.

7. In view of the above, the petition is partly allowed. The impugned order passed by the respondent No.3 – Education Officer is quashed and set aside. The matter is sent back to the respondent No.3

– Education Officer, for consideration afresh on merits.

8. It is made clear that this Court has not commented upon the merits of the claim of the petitioner. The respondent No.3 – Education Officer shall decide the same strictly in accordance with Rule 26.4 read with Appendix-VI of the said Code.

9. The writ petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)