



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

WRIT PETITION NO. 11211 OF 2025

Malbari Shiv Sanjay

VERSUS

The State of Maharashtra and others

Mr. S. A. Deshmukh, Advocate for petitioner

Mr. R. B. Dhaware, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 13th November, 2025

PER COURT :-

1. Present petition has been filed for correction of birth place of the petitioner in the school records. The petitioner submits that his birth place is "Thalassery" Dist. Kannur at Kerala State however, in the school records it has been wrongly mentioned as "Dhule". The petitioner has filed his Birth Certificate issued by the Registrar of Birth and Death and the Chief Officer, Municipal Council, Thalassery wherein it is stated that the birth place of the petitioner is "Thalassery". Respondent No. 2 by impugned communication issued without date rejected the proposal on the ground that the petitioner is not taking education in the school. The petitioner is relying on the Full Bench decision of this Court in **Janabai Himmatrao Thakur vs. State of Maharashtra and others, [AIR OnLine 2019 Bombay 1055]**.

2. We are coming across many such orders, in spite of the

decision of this Court in ***Janabai Thakur*** (supra), stating that the applicant/petitioner is not taking education in the school and, therefore, the authority has no jurisdiction or power to make changes in the school record. While allowing the present petition, we direct respondent No.1 to apprise the concerned authorities about the Full Bench decision of this Court in ***Janabai Thakur*** (supra) and not to reject the applications on the ground that the person is not taking education in the school. The interpretation in respect of Rule 26.4 of Secondary School Code has been interpreted by this Court and that interpretation is binding on all the authorities. Even after apprising the authorities by respondent No. 1, if we come across such orders, then this Court will consider such orders as contempt.

3. With these observations, the writ petition stands allowed.

4. Respondent No. 2 is directed to issue order and grant the proposal forwarded by respondent No. 3 in respect of change in the birth place of the petitioner in the school records within a period of 15 days from today.

5. Time and again it has come to our notice that in spite of there being a judgment of the Full Bench of this Court in ***Janabai Thakur*** (supra) and also several orders thereafter passed by this Court, the officers are repeatedly passing the orders contrary to the said

judgment which leads to several litigations being filed in the High Court. We, therefore, feels it appropriate to direct the Principal Secretary of School Education and Sports Department, Mantralaya, Mumbai, to issue appropriate orders there by circulating the above mentioned judgment to all its officers in the department with a clear direction to follow the order in its true letter and spirit. Henceforth, any disobedience of the order is observed or brought to our notice will attract the provisions of Contempt of Court Act and the Erring Officers will be held in contempt under the said act.

6. Registrar (Judicial), High Court, Bench at Aurangabad is directed to forward copy of judgment and order passed in ***Janabai Thakur*** (supra) to the Secretary, School Education and Sports Department, Mantralaya, Mumbai along with this order for necessary compliance.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi