



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 WRIT PETITION NO.12353 OF 2025

Suhana Gani Shaha
Age: 16 years, Occu.: Student,
Minor under Guardian of father
Gani Nawab Shaha
R/o. Patri, Tq. Phulambri,
District Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Education Department, Mantralaya,
Mumbai.
2. The Education Officer Secondary,
Zilla Parishad, Chh. Sambhajinagar.
O/a. Z. P. Building, Chh. Sambhajinagar.
3. The Head Master,
Rajyashri Shahu Secondary
and Higher Secondary School,
Patri, Tq. Phulambri, Dist. Aurangabad.

.. Respondents

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Mr. Jitendra S. Jain, Advocate for the Petitioner.

Mr. A. B. Girase, Government Pleader for Respondent Nos.1 and 2/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 13 OCTOBER 2025

ORDER :

. Present petition has been filed for correction of the name of the mother of the petitioner in the school record. The petitioner submits that the name of her mother is Lailabi, however, in the school record it has been wrongly mentioned as Surayya. The petitioner has filed her birth certificate issued by the competent authority, wherein it is stated that the petitioner is the daughter of Gani Navab Shah and Lailabi Gani Shah. Respondent No.2 by impugned communication dated 27.05.2025 rejected the application 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 name of mother of the petitioner in the school record within a period of 15 days from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm