



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

WRIT PETITION NO. 2223 OF 2025

CHHAYA RAM SHAH

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...

Shri Harshal P. Randhir, Advocate for the Petitioner.

Shri M.K. Goyanka, AGP for Respondent No.1/State.

Shri V.V. Gujar, Advocate for Respondent Nos.2 and 3.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 17th February, 2025

Per Court :-

Leave granted to correct nomenclature of respondent
No.3. Amendment be carried out forthwith.

2. The petitioner is seeking correction of school record to the extent of date of birth, having been armed with the order of the Judicial Magistrate, First Class, purportedly in exercise of the powers under Section 13(3) of the Registration of Birth and Death Act, 1969.

3. She is aggrieved by the impugned communication whereby, the Education Officer (Primary) in response to her

request, has apparently refused to exercise powers vested in him under clause 26.4 of the Secondary School Code under the premise that the petitioner is prohibited from seeking correction in service record in accordance with the government resolutions beyond five years of entering into employment.

4. Issue notice to the respondents. The learned AGP waives service of notice for respondent No.1 and the learned advocate Shri V.V. Gujar waives for respondent Nos.2 and 3.

5. *Ex-facie*, the impugned communication demonstrates that respondent No.3 Education Officer has refused to exercise powers vested in him under the aforementioned clause of the Secondary School Code for extraneous reasons. Purport of power conferred upon him would enable him to examine genuineness of the claim if at all it is substantiated by some material and of course in the light of ***Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & Others, 2019(6) Mh.L.J.769 (FB)***.

6. For this reason alone, the impugned communication is liable to be quashed and set aside and the matter deserves to be remanded back to the Education Officer for passing a fresh order.

7. The Writ Petition is partly allowed. The impugned communication is quashed and set aside. Respondent No.3 is directed to consider the proposal of the petitioner for correction of the school record on its own merits and in the light of observations made herein above, however, without resorting to the ground mentioned in the impugned communication. The decision shall be taken as expeditiously as possible and in any case within five weeks under an intimation to the petitioner.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)