



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

WRIT PETITION NO. 13436 OF 2025

Anil Radhakisan Rokade

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Mr. S. K. Mathpati, Advocate for petitioner

Mr. S. R. Dheple, Advocate for respondent No. 4

Mr. A. T. Kanawade, Advocate for respondent Nos. 6 and 7

Mr. S. K. Tambe, Addl. GP for respondent Nos. 1 to 3

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

DATE : 11th November, 2025

PER COURT :-

1. Present petition has been filed for correction of date of birth in the school record. The petitioner submits that his date of birth is 21.02.1982 however, in the school record it has been wrongly mentioned as 21.02.1980. The petitioner has filed copy of school extract wherein it is stated that the correct date of birth of petitioner is 21.02.1982 issued by respondent No. 4. Respondent No. 2 by impugned order dated 18.07.2025 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. 5 in respect of change in the date of birth of petitioner in the school record 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. 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