



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1607 OF 2025

SARA MEHREEN KHAN ABUBAKAR SIDDIQUE MINOR THR
GUARDIAN ABUBAKAR SIDDIQUE SAYEED KHAN

VERSUS

STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. G. L. Gujar

h/f. Mr. Shashikiran N. Patil

Addl. GP for Respondent Nos. 1 and 2 : Mr. M. M. Nerlikar

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 04.02.2025

PER COURT :

. Heard both the sides.

2. The petitioner has been seeking change in the school register post her leaving the school. By the impugned communication dated 29.11.2024, the respondent – Education Officer has refused to entertain the request only on the ground that the powers exercisable by him under Clause 26.4 of the Secondary School Code can be exercised only till the time the student is taking education in the school.

3. This very stand has been dealt with by the full bench in the matter of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*, giving instance wherein Education Officer possesses the power under that clause even after the student has left the school. The Education Officer does not seem to be alive to the law laid down by the full bench.

4. The Writ Petition is allowed party. The impugned order is quashed and set aside. The proposal shall be considered by the respondent No. 2 – Education Officer on its own merit and in the light of the decision in the matter of *Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769*. The decision shall be taken afresh as expeditiously as possible and in any case within five (05) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/