



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 995 OF 2025

SHUBHAM ANANTRAO JOSHI

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. S.R. Bagal h/f Mr. Gadegaonkar Bharat N.

AGP for Respondent nos. 1 & 2 : Mrs. P.J. Bharad

Advocate for Respondent nos. 3 & 4 : Mr. S.B. Pulkundwar

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

DATE : 23.01.2025

PER COURT :

The petitioner is challenging the order of the Education Officer (Primary) refusing to consider the request for change in school record on the ground he having left the school long back.

2. Issue notice.
3. The learned A.G.P. waives service for respondent nos. 1 and 2.
4. The learned advocate Mr. Pulkundwar waives service for respondent nos. 3 and 4.
5. We have heard both the sides.
6. The only ground on which the respondent no. 3-Education Officer (Primary) has refused to consider the request is to the effect that he perceives that the petitioner having left the school. He cannot exercise the powers under clause 26.4 of the Secondary School Code. Such a stand of the Education Officer would be in stark contrast with the full bench decision

in the matter of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769**. He will have to apply the parameters laid down therein and reach an appropriate conclusion based on which he can decide the proposal on its own merits.

7. The writ petition is allowed partly.

8. The impugned order is quashed and set aside. The matter is remitted back to respondent no. 3-Education Officer (Primary) for taking a fresh decision on the same proposal and precisely in light of the observations and the conclusions laid down in **Janabai (supra)**.

9. The decision shall be taken as expeditiously as possible and in any case within six weeks.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-