



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 WRIT PETITION NO. 5423 OF 2025

Shaikh Tayyaba Riyaz

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

Mr. Salgare Vitthal G., Advocate for the Petitioner

Ms. S. S. Joshi, AGP for Respondents State

Mr. S. R. Dheple, Advocate for Respondent No.3

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

Dated : 24th April, 2025

PER COURT :-

1. Leave granted to correct the nomenclature of respondent no.3. amendment to be carried out forthwith.
2. Heard learned advocate for the petitioner and learned AGP.
3. By the impugned communication, respondent no.3 Education Officer (Secondary), Zilla Parishad, Chhatrapati Sambhajnagar (Exh.J) has refused to exercise the powers under Clause 26.4 of the Secondary School Code, 1977 for granting permission for correction of the school record of the petitioner to the extent of change of date of birth, only on the ground that he has already left the school.
4. Considering the gloss put up on Clause 26.4 by the full bench of

this court in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & Others, 2019(6) Mh.L.J.769**, the ground resorted to by the Education Officer while passing the impugned order/communication will not be sustainable unless some additional details are incorporated after due examination of the actual scenario as to it was merely a case of obvious mistake or error as incorporated by the full bench in which case the correction can be ordered /permitted even after the student has left the school.

5. In the light of above, the impugned communication is not sustainable in law.

6. Writ petition is allowed partly. The impugned communication is quashed and set aside.

7. Respondent no. 3 shall reconsider the proposal on its own merits in the light of decision in the matter of **Janabai** (supra). The decision shall be taken as expeditiously as possible and in case within six weeks.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)