

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12311 OF 2025

- | | | | |
|----|------------------------------------|---|----------------|
| 1. | Satish Balaso Mali Patil |] | |
| | Age 43 yrs. Occ. Agriculture, |] | |
| | R/o. 2589, B Ward, Mangalwar Peth, |] | |
| | Kolhapur. |] | ... Petitioner |

Versus

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|----|--------------------------------------|---|-----------------|
| 1. | The State of Maharashtra |] | |
| | Through the Secretary, |] | |
| | Education Department, |] | |
| | Mantralaya, Mumbai. |] | |
| 2. | The Primary Education Department, |] | |
| | Kolhapur Municipal Corporation, |] | |
| | Kolhapur. |] | |
| 3. | Shileja Vanaji Singhvi Vidyalaya, |] | |
| | Through its Principal, |] | |
| | Off. Near Keshavrao Bhosale, Kasbag, |] | |
| | Mangalwar Peth, Kolhapur. |] | ... Respondents |

Ms. Ketaki Patil i/b. Mr. Shantanu Patil for the Petitioner.
Mr. V.M. Mali, A.G.P. for the Respondent No.1-State.
Mr. Sagar Mane for the Respondent No.2.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 26th November 2025.

ORAL JUDGMENT (Per : M. S. Karnik, J.)

1. We have heard Ms. Ketaki Patil, learned counsel for the Petitioner.
2. The challenge in this Petition is to the Order dated 21st July 2025 passed by the Respondent No.2 – Primary Education Department, Kolhapur Municipal Corporation, Kolhapur, rejecting the request made by the Petitioner for change in date of birth. The application has been rejected in view of Rule 26.4 of the Secondary School Code, on the ground that the son of the Petitioner is presently not a student of Respondent No.3 – Shileja Vanaji Singhvi Vidyalaya.
3. The facts of the present case in brief are :
 - 3.1 That, the Birth Certificate was issued to the Petitioner's son on 1st January 2013, indicating the date of birth as 1st January 2013, which according to the Petitioner, is the correct date of birth. The Petitioner's son was admitted in the Respondent No.3-Primary School for the academic year 2018 to 2022 from Grade-I to Grade IV. In the said school register, the date of birth was wrongly recorded as 31st December 2012 instead of 1st January 2013.

3.2 From the academic year 2022 to 2024 the son of Petitioner continued education under the same Management in the Secondary section. The Deputy Education Officer, by an Order dated 10th September 2024, directed the Secondary School to correct the date of birth as 1st January 2013 under Rule 26.4 of the Secondary School. The Secondary School issued a Bonafide Certificate showing the corrected date of birth as 1st January 2013.

3.3 An Application was made to the Respondent No.2 on 18th July 2025 by which, correction in the date of birth in Primary School Register was sought. By the impugned Order dated 21st July 2025, the Application was rejected citing Rule 26.4 of the Secondary School Code, holding that the student has “left the school”.

4. Learned counsel for the Petitioner submitted that :- the impugned Order is arbitrary and shows complete non-application of mind. Rule 26.4 of the Secondary School Code applies only to Secondary School, whereas the Petitioner seeks correction in Primary School records. The Respondent-Authority has applied an inapplicable provision, rendering the decision illegal. The conclusion that the student has “left the school” is factually incorrect. The child continues in the same institution under the same Management. Primary and Secondary sections form a composite education unit and their records must be consistent. The reasoning of the

Respondent-Authority is illogical, arbitrary and contrary to the Education Code.

5. Learned counsel for the Petitioner then submitted that the Birth Certificate issued by a Statutory Authority conclusively proves the date of birth as 1st January 2013. Once such proof is furnished, the Authorities are duty-bound to correct the error. Refusal to rectify a manifest clerical mistake amounts to perpetuating an illegality. That the Secondary School record now shows the correct date of birth, whereas Primary School record remain incorrect, leading to contradictory documentation within the same institution, potentially affecting the child's future admissions, certificates and identity documents.

6. We requested Mr. Mane, learned counsel to appear on behalf of the Respondent No.2, as he normally appears for the Kolhapur Municipal Corporation. Mr. Mane requested for some time to take instructions and further submitted that presently he has no instructions to appear on behalf of the Respondent No.2.

7. We find the issue involved in the present Petition is squarely covered by various decisions of this Court, one such decision being rendered in *Anil Radhakisan Rokade Vs. The State of Maharashtra & Ors. in Writ Petition No. 13436 of 2025, decided by the Aurangabad Bench of this Court on 11th November 2025*. In para Nos.2 & 5 this Court has

observed thus :

*“2. We are coming across many such orders, in spite of the decision of this Court in **Janabai Himmatrao Thakur Vs. State of Maharashtra and others**, [AIR OnLine 2019 Bombay 1055], 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.

*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.”*

8. For the same reasons cited above, the impugned Order deserves to be quashed and set-aside.

9. The Writ Petition is allowed in terms of prayer clause (b), which reads thus :

(b) That this Hon'ble Court may be pleased to issue writ of mandamus and/or any other appropriate writ, order or direction in the nature of writ of mandamus thereby directing the Respondent No.2 to quash and set aside the impugned order dated 21/7/2025 passed by the Respondent No.2, whereby the Petitioner's application for correction of the date of birth in the primary school record of Respondent No.3 was rejected further be pleased to allow the application dated 21/7/2025 and direct the Respondent No. 2 to make necessary corrections as prayed for in respect of date of birth.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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