



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1740 OF 2026

Dinesh Shripatrao Suryawanshi
Age: 55 years, Occu.: Service,
R/o. Vrundawan Shrushti, Kanha-C,
Flat No.1101, Narhe, Pune.

.. Petitioner

Versus

1. The State of Maharashtra
Through Secretary
School Education and Sports Department,
Mantralaya, Mumbai 400052.
2. The Education Officer (Primary)
Zilla Parishad, Dharashiv (Osmanabad)

.. Respondents

...

Mr. Ameya Sabnis, Advocate and Mr. Pranav Dhakne, Advocate for petitioner.
Mr. S. B. Narwade, AGP for respondent No.1/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 17 FEBRUARY 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present petition has been filed to challenge the impugned order dated 31.12.2025 passed by the Education Officer (Primary) i.e. respondent No.2 and for direction to respondent No.2 to give the directions to correct the school record of the petitioner.

2. The petitioner contends that his actual birth date is 15.09.1970. He was admitted to Zilla Parishad Primary School, Supatgaon, Taluka Omerga, District Dharashiv. At the time of admission, the father of the petitioner submitted incorrect information regarding the date of his birth. After it was realized that the petitioner's father had given incorrect birth date, the application was submitted by the petitioner in the year 1999 for correction of birth date, however, the same remained unattended and no action was taken. The father of the petitioner did not pursue the said matter further. Thereafter, there was attempt by the petitioner to find out his birth date and it was informed by the Village Panchayat of Madaj, which is the birth place of the petitioner. He tried to collect the information from the Panchayat office, however, it was told that record is not available. In fact, the birth date of the elder brother of the petitioner is 22.01.1968 and the petitioner's birth date as per school record is 15.06.1968, which gives a gap of only 145 days between the date of his elder brother or that of the petitioner. The petitioner has therefore got the birth date corrected by making the publication in Government Gazette in the year 2024, however, when he attempted to make changes in the school record, it has been refused. Hence, the petitioner has approached this Court.

3. The learned Advocate for the petitioner submits that the ground on which the application of the petitioner came to be rejected is Clause 26.4 of the Secondary School Code, however, in **Janabai Himmatrao Thakur Vs. State of Maharashtra, (2019(6) Mh.L.J. 769)**, the Full Bench of this Court has very much clarified that a change even though it falls within the scope of expression “obvious mistake” will have to be tested on the basis of material available as well as probative value of such material and it has been further observed that :-

“...Thus a conjoint reading of the various sentences in Clauses 26.3 and 26.4, with each other, leads us to the following conclusion :

(a) an application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of the date of birth is permissible, after the student has left secondary school, except correction in the nature of obvious mistakes as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.

(c) An application for change in the spelling of the name, or for that matter in the name, surname or caste are errors which fall within the category of obvious mistakes, and thus can be made, even after the student has left school in light of the language of Clause 26.3.

(d) For the purposes like an admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the school is permissible, which in fact is in consonance with (c) above.”

Further, it has been observed that, “...It is further apparent that any change as permissible as contemplated by Clause 26.4, is only for the purposes of securing admission to another educational institution, in which process, the School Leaving Certificate is relied upon as an evidence for the name, surname, caste, date of birth etc and not otherwise....” It is also held that for the errors which fall within the category of ‘obvious mistakes’, can be made, even after the student has left the school in the light of language of Clause 26.3, in the manner as indicated by Appendix Six in the forms as prescribed in the Secondary School Code.

Learned Advocate for the petitioner submits that when there is difference of only 145 days in the birth date of the elder brother and the petitioner, the obvious mistake ought to have been corrected by respondent No.2.

4. Learned AGP relies on the decision in **Govind Ramrao Solanke Vs. The State of Maharashtra and others**, [Writ Petition No.8620 of 2022

decided on 16.09.2022], wherein it has been observed that the Full Bench in paragraph No.39(b) of **Janabai Himmatrao Thakur (Supra)** held that, “No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of ‘obvious mistakes’ as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.” Under the similar facts i.e. change of entire date of birth it was held in this case that it is not in the nature of obvious mistake and, therefore, it cannot be entertained. It was also submitted by the learned AGP that since the petitioner is serving in Zilla Parishad and he is now 55 years of age, he would take advantage of such correction. When, in fact, as per the service rules, he should make such application to the appropriate authorities within a period of five years from the date of entry in service, the attempt by the petitioner is for obvious reasons and it is not even supported by any authentic document. The petition deserves to be dismissed.

5. Here, it is to be noted that it appears that petitioner’s father made made an attempt in the year 1999 to get the birth date of the petitioner corrected. The petitioner has produced copy of the affidavit of his father, however, whether he had made the application with the concerned authorities and whether at that time the petitioner was taking education

is not clarified. The copy of the application made by his father has not been produced by the petitioner. We can take note of the affidavit only to consider that it was an attempt.

6. Here, the fact remains is that there is a certificate from the Headmaster of the School supported by documents showing that the birth date of the elder brother of the petitioner is 22.01.1968 and he had taken admission in the school on 13.06.1973. However, when the petitioner had taken admission on 13.06.1974, the birth date of the petitioner has been recorded as 15.06.1968. So there is the gap of 145 days only that is around four months and this is impossible. Certainly, there is obvious mistake which needs to be corrected. Certainly, in **Govind Solanke (Supra)**, this Court has taken note of **Janabai Himmatrao Thakur (Supra)** and we do not intend to take any different opinion, however, the peculiar facts of this case would show that the date which is on record of the school of the petitioner is a obvious mistake. We are also making it clear that we do not want to enter into the arena of the rules which govern the service of the petitioner, but certainly the rules would prevail and not our decision to direct correction of the date in the school record. We are also aware of the fact that many persons come to Courts for change of their birth dates at the fag end of their services, of course for the obvious reasons, without following the service rules, but the change in the birth

date in the school record can be used for other purposes also and once the change is accepted, then it should be consistent in the basic documents.

7. For the above-said reasons, we proceed to pass the following order :-

ORDER

- I) Writ Petition stands partly allowed.
- II) The impugned order dated 31.12.2025 passed by respondent No.2 stands quashed and set aside.
- III) Respondent No.2 is directed to direct the school authorities of the petitioner to correct the date of birth of the petitioner in the school records. Such order to be passed by respondent No.2 within a period of one month from today.
- IV) We make it very clear again that as regards the petitioner is concerned, the service rules would prevail and the change in the school record in view of this order cannot be the sole ground to give any advantage to the petitioner. The higher authorities of the petitioner, if at all such application is made, would decide the same on its own merits.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm