



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1775 OF 2026

Pandurang Abasaheb Ithape And Another

VERSUS

The State Of Maharashtra And Others

Mr. K. N. Bhosale, Advocate for petitioners

Mr. S. B. Narwade, AGP for respondent-State

Mr. Shaik Parvez h/f Mr. S. B. pulkundwar, Advocate for respondent No. 2

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 12th March, 2026

PER COURT :-

1. Present petition has been filed for correction of date of birth in the school record. The petitioner submits that his date of birth is "26.08.1983" however, in the school record his date of birth has been wrongly mentioned as "26.06.1983". The petitioner has filed copy of Birth Certificate issued by the Registrar of Grampanchayat Pimpalgaon Pisa, Tql. Shrigonda, Dist. Ahilyanagar wherein his date of Birth is mentioned as 26.08.1983. Respondent No. 3 – Headmaster instead of forwarding the application of the petitioner to Education Officer, refused to correct the date of birth on the ground that the Headmaster don't have power to correct date of birth. The petitioner is relying on the Full Bench decision of this Court in **Janabai Himmatrao Thakur vs. State of Maharashtra and others**, [AIR OnLine 2019 Bombay 1055].

2. We are coming across many such orders, in spite of the decision of this Court in **Janabai Thakur** (supra), 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.

3. With these observations, the writ petition stands allowed.

4. Respondent No. 3 is directed to forward application of the petitioner to respondent No. 2 – Education Officer within a period of 15 days from today. After receipt of application, respondent No. 2 is directed to issue order and grant the application forwarded by respondent No. 3 in respect of change in the date of birth of petitioner in the school record within a period of 15 days thereafter.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi