



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

WRIT PETITION NO. 2859 OF 2026

Aryan S/o Gautam Naikwade

VERSUS

The State of Maharashtra through its Principal Secretary and others

Mr. S. A. Wakure, Advocate for petitioner

Mr. P. D. Suryawanshi, Advocate for respondent No. 3

Ms. N. B. Kamble, AGP for respondent-State

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

DATE : 16th March, 2026

PER COURT :-

1. Present petition has been filed for correction of date of birth of petitioner in the school record. The petitioner submits that his date of birth is "23.07.2007" however, in the school record his date of birth has been wrongly mentioned as "23.07.2008" The petitioner has filed copy of online Birth Certificate issued by Grampanchayat Chausala in which the date of birth of petitioner is mentioned as 23.07.2007. But, in the school record of present petitioner, his date of birth has been wrongly mentioned as 23.07.2008. Respondent Nos. 2 and 3, by impugned order dated 01.12.2025 and 29.12.2025 respectively, rejected the application on the ground that the the petitioner is not taking education in the school. 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. 2 is directed to issue order and grant the proposal forwarded by Principal, Shri. Shivaji Vidyalaya, Beed dated 18.11.2025 in respect of change in the date of birth of petitioner in the school record within a period of 15 days from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi