

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

WRIT PETITION NO. 1184 OF 2015

SUBHASH RAMDAS MAHALE
VERSUS
ADMINISTRATIVE OFFICER, SHIKSHAN MANDAL, DHULE AND
ANOTHER

...

Advocate for Petitioner : Shri Deshmukh Mahesh S.

Advocate for Respondent 1 : Shri Pravin S. Patil.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd December, 2015

Per Court:

1 Shri Deshmukh, learned Advocate for the Petitioner, points out that Respondent No.1 by his order dated 25.09.2014 impugned in this petition, has refused to carry out correction in the caste/ tribe of the Petitioner on the ground that as the Petitioner has passed out from the said school, no such correction can be made after he has left the school. He submits that the Petitioner has been wrongly shown as belonging to "Hindu Maratha" instead of "Hindu Thakur".

2 The learned AGP and Shri Patil oppose this petition.

3 It is not in dispute that the Petitioner has passed out from the concerned school. It is also undisputed that Respondent No.1 is competent to pass necessary orders under Clauses 26.3 and 26.4 of the Secondary School Code.

4 The Division Bench of this Court (Coram : S.S.Shinde & P.R.Bora, JJ.) has dealt with a similar issue by its order dated 06.05.2015 delivered in **Writ Petition No.5145/2015** (*Kailas Mango Thakur v/s State of Maharashtra*).

5 In another matter pertaining to *Santosh Ratan Bagul v/s The Administrative Officer, Municipal Council*, **Writ Petition No.7362/2015 dated 22.07.2015**, the Division Bench of this Court (Coram : S.V.Gangapurwala & V.K.Jadhav, JJ) has held that an order passed under clause 26.4 r/w Appendix VI of the Secondary School Code is a quasi-judicial order and as such, the matter would, therefore, lie before the Single Judge Bench of this Court.

6 The Division Bench of this Court in its order dated 06.05.2015 in the matter of Kailas Thakur (supra) has observed in paragraphs 1 to 4 as under:-

- “1. Heard.
2. Limited grievance raised in the petition is in respect of considering the prayer of the petitioner for correction of his school record, in the light of the relevant provisions of Paragraph Nos.26.3 and 26.4 of the Secondary Schools Code. Learned Counsel submits that, the prayer of the petitioner seeking correction is erroneously rejected only on the ground that the petitioner had already left the school. In support of his contention, learned Counsel relies on the judgment of this Court in the case of Vilas Dattatraya Ransubhe Vs. State of Maharashtra and others (2013(1) Bom.C.R.666).
3. The point raised in the petition is no longer - res integra. This Court in number of petitions has held that such prayer for correction in the date of birth or caste in the school record cannot be rejected only on the ground that the student has left the school.
4. In that view of the matter, the impugned communication dated 10.3.2015 is quashed and set aside. Respondent nos. 2 and 3 are directed to consider the prayer of the petitioner seeking correction in the school record on its own merits, in the light of provisions of Paragraph Nos.26.3 and 26.4 of Secondary Schools Code as expeditiously as possible, preferably, within three months from today.
Petition stands disposed of in above terms.”

7 Shri Patil, learned Advocate for Respondent No.1, fairly submits, in the light of the order of the Division Bench dated 06.05.2015 reproduced above, that necessary orders under the Secondary School Code would be passed by Respondent No.1 for correcting the description of caste/tribe of the Petitioner only after due verification and by following the due procedure.

8 In the light of the above, this petition is allowed. The impugned order dated 25.09.2014 passed by Respondent No.1 is quashed and set aside. Akin to the directions of this Court passed in the above referred matters and in Writ Petition No.4063/2015 (*Yashwant Uttam Chavan Thakur vs. Administrative Officer, Municipal Education, Jalgaon*) with connected matters dated 27.11.2015, the Respondent No.1 shall pass necessary orders expeditiously and preferably within a period of THREE MONTHS by following the procedure laid down in Rules 26.3 and 26.4 of the Secondary School Code.

9 Needless to state, the concerned Officer shall decide the case of the Petitioner on its merits. The decision arrived at shall be communicated to the Petitioner as well as Respondent No.2/ School which shall carry out correction if Respondent No.1 so directs.

10 If the Petitioner is aggrieved by any decision of Respondent No.1, he would be at liberty to raise an appropriate grievance in accordance with the remedy available in law.

(RAVINDRA V. GHUGE, J.)