

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

WRIT PETITION NO.7484 of 2014

Sayed Iliyas s/o Sayed Rahim,
Age 22 years, Occ. Education,
r/o. Pansare Nagar, Naigaon,
Tq. Naigaon (Khairgaon),
Dist.Nanded.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through: Secretary,
School & Education Department,
Mantralaya, Mumbai-32
2. The Deputy Director of Education,
Latur Division, Latur.
3. The Collector,
Dist.Nanded.
4. The Education Officer (Primary)
Zilla Parishad, Nanded.
5. The Head Master,
Central Primary School,
Zilla Parishad, Naigaon (Bk),
Tq.Naigaon (Khairgaon),
Dist.Nanded.

...RESPONDENTS

...

Mr.Kiran M.Nagarkar, Advocate, for the
petitioner.

Mr.V.H.Dighe, AGP for respondent State.

Mr.V.S.Panpatte, Advocate for respondent no.4.

...

**CORAM: S.S.SHINDE
AND
P.R.BORA, JJ.**

DATE : March 27th, 2015

ORAL JUDGMENT: (Per S.S.Shinde, J.)

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of the parties.

2. This petition takes exception to order dated 15th June, 2013, passed by respondent no.4 Education Officer, Zilla Parishad, Nanded, which is placed on record at Exh.I of the compilation of the writ petition.

3. It is the case of the petitioner that the petitioner filed an application to respondent no.4, seeking correction / change in the caste column in the school record, however, his application is turned down on the ground that the petitioner has already left the school and, therefore, the petitioner's request cannot be accepted.

4. Without entering into the merits of the application, which was filed before respondent no.4 by the petitioner for correction in caste column,, this petition can be conveniently disposed of in the light of the unreported judgment of this Court in **Vinod s/o Bapurao Singewar V. The State of Maharashtra and others** in Writ Petition No.4264/2009 decided on 15th January, 2010; so also, judgment of this Court in **Shaikh Shafi Ahmed Khadarsab vs. State of Maharashtra and others (2012 (5) Mh.L.J.36)**.

5. The Division Bench of this court, in afore mentioned cases, has taken view that application filed by the candidate for correction in the caste column or date of birth cannot be rejected solely on the ground that the candidate / student has left the school. In our opinion, ends of justice would be met if respondent no.4 is directed to re-consider the application of the petitioner in the light of Rule 26.4 of the Secondary Schools Code and decide the said same on its own merits. We have adjudicated the prayer of the petitioner to the extent above, and we have not entered into the merits of the application.

6. In the result, the petition is allowed in terms of prayer clause B. Respondent no.4 is directed to decide the application within two months from today on its own merits.

Rule made absolute on above terms. Petition stands disposed of.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

...

AGP/7484-14wp