

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.5478/2014

904 WRIT PETITION NO. 5478 OF 2014

SHAILESH VASANTRAO SAWAJI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Jadhavar Pratap V.
AGP for Respondent State:Mr.D.V.Tele
Mr.Mohekar Ganesh V., Adv., for R/3

...

CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 27, 2015

...

PER COURT :-

1. This petition is filed praying therein for direction to respondent no.2 to decide the application of the petitioner for correcting petitioner's caste in the school record.

2. In support of his contention, learned Counsel for the petitioner placed reliance on the judgment of this Court in case of ***Shaikh Shafi Ahmed Khadarsab vs State of Maharashtra and others***¹, and submits that the ratio laid down in the said case is squarely applicable in the facts of this case.

3 The learned Counsel appearing for the respondents vehemently opposed the prayer of the petitioner and submitted that the petition may be dismissed.

¹ 2012(5) Mh.L.J.36;

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP NO.5478/2014

4 We have heard the learned Counsel for the parties, perused the grounds taken in the petition, annexures thereto and the judgment of this Court in case of **Shaikh Shafi Ahmed Khadarsab** (supra). This Court while considering the similar fact situation, referring the provisions of Para 26.4 of the Secondary Schools Code in para 12 of the judgment, held thus:

“12. In the present case, the application has been rejected not on merits but only on the technical ground that it had been made after the petitioner had left the school and joined the junior college. In our view, the respondent No.3 Education Officer ought to have considered the application on its own merits and ought not to have rejected it only on the technical ground that the application had been made after the petitioner had left the school. Of course, for ordering any change the respondent No.2 would have to be satisfied about the merits of the case and the *bona fides* of the petitioner.”

5 It is open for the authority concerned to consider the application in the light of the provision of Para 26.3 and 26.4 of the S.S. Code and give reasons while accepting or rejecting the prayer of the petitioner.

6 The respondent No.2 – Education Officer is directed to decide the application of the petitioner in the light of above mentioned provisions of the S.S. Code, as expeditiously as possible and preferably within a period of six weeks from today. Petition stands disposed of.

(P.R. BORA, J.)

(S.S. SHINDE, J.)