

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

WRIT PETITION NO. 7285 OF 2014

SACHIN TUKARAM GHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. H V Patil
AGP for Respondents: Mrs S.A.Dhumal
Advocate for Respondent 4 : Mr. V.V. Bhavthankar

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: August 04, 2015

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PER COURT :-

1. Mr. Patil, learned counsel for the petitioner submits that, the petitioner had filed application with Head Master for recording correct caste in the school record, however, Head Master is not accepting the same. According to the learned counsel, said application has to be routed through the Head Master to the Education Officer (Secondary). According to the learned counsel, only because the petitioner has left the school, that would not be an impediment to consider the application of the petitioner as per clause No.26.4 of the Secondary School Code read with Appendix VI.

2. Mr. Bhavthankar, learned counsel for Head Master and learned AGP submits that the petitioner has left the school, said application cannot be entertained.

3. It has been held by this Court that, clause No.26.4 read with Appendix VI of the Secondary School Code is directory in

nature. Petitioner shall submit the application with Head Master seeking correction in the caste in the school record along with necessary documents. The Head Master shall, after receipt of the said application, forward it to the Education Officer within six weeks from the date of receipt of the application. The Education Officer, shall there after take decision on the said application, on its own merits, in accordance with law and procedure laid down in clause 26.4 appendix VI, expeditiously and preferably within two months. The Education Officer shall not reject it only on the ground that the petitioner has left the school.

4. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-