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

WRIT PETITION NO.4063 OF 2015

Yashwant Uttam Chavan Thakur

VERSUS

Administrative Officer, Municipal Education, Jalgaon And Others

WITH

WRIT PETITION NO.7362 OF 2015

Santosh Ratan Bagul

VERSUS

Administrative Officer, Municipal Council Education Board, Jalgaon And Others

WITH

WRIT PETITION NO.11223 OF 2015

Ranjit Bhaskar Shinde

VERSUS

Administrative Officer Jalgaon And Others

WITH

WRIT PETITION NO.11224 OF 2015

Yuvraj Chintaman Thakur

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioners : Shri D.B.Shinde h/f Shri Deshmukh Mahesh S.

AGP for Respondents/State : Shri P.G.Borade.

Advocate for Respondent No.5 : Shri Balaji Shinde h/f Shri VPLatange.

Advocate for R/2 in WP/11223/15 : Shri Maheshkumar Sonawane Patil.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th November, 2015

Per Court:

1 In all these petitions, the Petitioners are seeking correction in their caste records as entered in the schools in which these Petitioners were studying.

2 It is undisputed that all these Petitioners have now passed out from their respective schools. It is also undisputed that the concerned Education Officer (Primary/ Secondary) is competent to pass necessary orders under Clauses 26.3 and 26.4 of the Secondary School Code by which, the prayer for correction in the date of birth or caste in the school records can be ordered.

3 The school record of these Petitioners shows their caste entries as follows:-

Sr.No.	Writ Petition No. and Name of Petitioner	Caste entered in School Record	Caste claimed to be corrected
1	WP/4063/2015 Yashwant Uttam Chavan	Hindu Maratha	Thakur (ST)
2	WP/7362/2015 Santosh Ratan Bagul	Hindu E.Ma. (Other Backward)	Thakur (ST)
3	WP/11223/2015 Ranjit Bhaskar Shinde	Hindu Thakur Bhatke	Thakur (ST)
4	WP/11224/2015 Yuvraj Chintaman Thakur	Hindu Itar Maga. (Other Backward)	Thakur (ST)

4 The contention of the Petitioners is that they belong to a particular caste/ tribe and the said correction will now have to be carried out by the concerned Education Officer. After such correction is carried out, the said order can be transmitted to the concerned School for seeking correction in the school records.

5 The learned AGP appears on behalf of the Education Officers.

6 Considering the nature of the issue before this Court and considering the fact that the respective schools in all these matters are not adversaries or contesting Respondents, I am not issuing notices to the said schools.

7 The Division Bench of this Court (Coram : S.S.Shinde & PR.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*).

8 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.

9 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.”*

10 The learned AGP 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 the concerned Education Officer for correcting the description of castes/tribes of the Petitioners only after due verification and by following the due procedure.

11 Considering the statement made and the observations of the Division Bench reproduced herein above, the impugned orders in these petitions are quashed and set aside.

12 The concerned Education Officer in all these matters is directed to follow the procedure laid down in law and Rules 26.3 and 26.4 of the Secondary School Code and pass necessary orders expeditiously and preferably within a period of THREE MONTHS from today. Needless to state, the concerned Officer shall decide the cases of these Petitioners on their own merits. The decision arrived at will then be communicated to the respective schools of the Petitioners. If aggrieved by the decision of the Education Officer, these Petitioners may seek a remedy as may be available in law.

13 All these Writ Petitions are accordingly, disposed of.

(RAVINDRA V. GHUGE, J.)