

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

WRIT PETITION NO. 145 OF 2015

Govind Gangaram Kunchalwad .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. B. Talekar and U. R. Awate, Advocate for the Petitioner.
Shri S. G. Karlekar, A. G. P. for Respondent Nos. 1 and 2.
Shri Vijay A. Dhakne, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.
DATE : 18TH JANUARY, 2016.**

PER COURT :-

1. Mr. Awate, the learned counsel submits that, the Headmaster of the school had forwarded proposal to the Education Officer (Secondary), to correct the caste in the school records of the petitioner from "Andh" to Bhil". However, the Education Officer refused to accept the same on the ground that the student has left the school.

2. Mr. Dhakne, the learned counsel for the respondent No. 3 submits that, the respondent No. 3 had forwarded the said proposal (**Exh. H**), however, the Education Officer refused to accept the same.

3. The learned A. G. P. submits that, as the petitioner has left the school the correction in respect of date of birth or caste in the school records cannot be considered by the Education Officer in view of Rule 26.4 of Appendix 6 of the Secondary School Code.

4. We have considered the submissions. This Court in number of matters has held that, the said provision Rule 26.4, Appendix 6 of the Secondary School Code, is directory in nature.

5. In light of the above, we pass the following order -

I] The respondent No. 3 shall forward the proposal in respect of the change of caste in the school records to the Education Officer (Secondary).

II] The Education Officer (Secondary), shall not refuse to accept the same only on the ground that petitioner has left the school.

III] The Education Officer on receipt of the said proposal shall take decision on the same on merits, in accordance with law and Appendix 6 of the Secondary School Code expeditiously and preferably within six (6) months on receipt of the said proposal.

6. The writ petition is accordingly disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

sam/Jan.15