

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.11497/2015

926 WRIT PETITION NO. 11497 OF 2015

SACHIN BABAN HONRAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Bhumkar Vishwnath R.
AGP for Respondent State: Mr.K.S.Patil

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: February 24, 2016

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PER COURT :-

1. Mr. Bhumkar, learned Counsel for the petitioner, states that the petitioner had moved the Education Officer for correction in the school record in respect of caste of the petitioner. It is rejected by the Education Officer only on the ground that, as per Rule 26.4 of the Secondary School Code, the application cannot be entertained after the petitioner has left the school. According to learned counsel for the petitioner, same is illegal and said provision of Rule 26.4 of the Secondary School Code is directory in nature.

2] Mr. K.S.Patil, learned AGP submits that the petitioner has to move the said application through the Head Master and it is for the Head Master to forward it to the Education Officer.

3] By now, it is well settled that, Rule 26.4 of the Secondary School Code is directory in nature. The application could not be rejected only on the ground that, it has been -

AGP/-

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submitted after the student has left the school.

4] Considering the above, we pass the following order :-

[a] The petitioner may submit an application with the Education Officer, respondent No.3, with regard to correction of his caste as "Wani" instead of "Veershaywa-Lingayat" in the school record.

[b] The Education Officer, respondent no.3, shall adhering to the procedure as laid down in Appendix VI read with Rule 26.4 of the Secondary School Code, decide the application on its own merits within three months. The said application shall not be rejected only on the ground that it is submitted after the petitioner has left the school.

[c] Writ petition is accordingly disposed of. No costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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