

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

9 WRIT PETITION NO. 6651 OF 2016

GAJANAN SHIVHAR GHONGADE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Shri. S.G. Jadhavar, Advocate, for petitioner.

Shri. A.R. Kale, Assistant Government Pleader,  
for respondent No.1.

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**Coram: T.V. NALAWADE &  
SANGITRAO S. PATIL, JJ.**

**Date: 27 February 2017**

**ORDER:**

1) The petition is filed for giving directions to the respondent No.2 for deciding the application which is made for making correction in the school record maintained by respondent No.3. It is the contention of the petitioner that in the school record by mistake the caste of the petitioner is recorded as "Lingder" when he belongs to "Lingayat Wani". He wants to get the record corrected as in the transfer certificate such caste is mentioned.

2) Learned counsel for the petitioner places reliance on the observations made by this Court in Writ Petition No.4264 of 2009 (Vinod Bapurao Singewar vs. State of Maharashtra and Others). This Court has made it clear that Rule 26.4 of the Secondary Schools Code is not mandatory in nature even after leaving the school the candidate/student can apply for making correction and such application needs to be decided on its own merits.

3) In view of this settled position of law it is necessary for the respondent Nos.2 and 3 to consider the representation given by the petitioner on its own merits. Respondent No.2 should not go with the presumption that due to this order he is bound to allow the application and the application is to be decided on its own merits and on the basis of the record. With these observations, the petition is disposed of.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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