

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

**WRIT PETITION NO. 7828 OF 2016**

Suresh Dagdu Kangone  
Age: 55 years, Occu.: Service,  
R/o Sai Nagar, Kopergaon,  
Tq. Kopergaon, Dist. Ahmednagar.

..PETITIONER

**VERSUS**

1. State of Maharashtra  
Through its Secretary,  
School Education Department,  
Mantralaya, Mumbai – 32.
2. The Divisional Deputy Director of Education  
Pune, 17, Ambedkar Road,  
Near Lal Mandir, Pune-1.
3. The Education Officer (Primary),  
Zilla Parishad, Ahmednagar.
4. Shriman Gokulhandji Vidyalaya,  
Kopergaon, Tq. Kopergaon, Dist. Ahmednagar.  
Through its Head Master (Primary).

..RESPONDENTS

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Mr. S.B. Kadu, Advocate for petitioner.  
Mr. A.S. Shinde, A.G.P. for State.  
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**CORAM : T.V. NALAWADE AND  
SANGITRAO S. PATIL, JJ.  
DATED : 17<sup>th</sup> FEBRUARY, 2017**

**ORAL JUDGMENT :**

1. Rule. Rule made returnable forthwith. Heard both sides by consent for final disposal.

2. The petition is filed to challenge the communication made by respondent – school with petitioner on 24<sup>th</sup> May, 2016. The petitioner had applied to school to make correction in the caste mentioned in his school leaving certificate. In the school leaving certificate issued by respondent – school, his caste and sub-caste is mentioned as “Hindu – Maratha” and he wants change to make it “Hindu – Mahadev Koli”. It is informed to him that as he is not studying in the school, as per relevant rules such change cannot be made.

3. On the aforesaid point, learned Counsel for petitioner drew the attention of this Court to the decision given by this Court in Writ Petition No. 11455 of 2015 ( Pankaj Chandrakant Bidwe Vs. State of Maharashtra and Another ) dated 04<sup>th</sup> February, 2016. This Court has considered the provision of Rule 26.4 of Secondary School Code and has also considered the case decided by this Court in the past in the case reported as **2012 (5) Mh.L.J. 36 ( Shaikh Shafi Ahmed Khadarsab Vs. State of Maharashtra and Others )**. This Court has laid down that the

rule is not of mandatory nature and it is only procedure and the authority needs to consider whenever such application is received on merits.

4. In view of aforesaid observations, this Court holds that the authority needs to consider the application and take appropriate decision on the application on its own merits. There should not be misconception that this Court has directed to make such change. The authority is to take decision on the facts of the matter and on the basis of its own satisfaction. With these directions, the petition is allowed. Rule is made absolute.

( SANGITRAO S. PATIL, J. ) ( T.V. NALAWADE, J. )

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