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

WRIT PETITION NO.8735 OF 2018

Priya Yogesh Ghodke,
Age : 19 yrs. Occ. Student,
R/o Ulkanagari, Aurangabad,
Plot No.88, Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
to the Govt. School Education
and Sport Department,
Mantralaya, Mumbai - 32

2. The Education Officer (Secondary),
Zilla Parishad, Aurangabad

..RESPONDENTS

Mrs V.A. Shinde-More, Advocate for petitioner;
Mr C.S. Kulkarni, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 6th August, 2018

ORAL ORDER:

Heard Mrs Shinde-More, learned Counsel appearing on behalf of the
petitioner and learned Asstt. Govt. Pleader on behalf of respondents.

2. Considering the urgency in the matter, we issued notice on 3rd
August, 2018, referring to the grievance of the petitioner.

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3. Learned Counsel for the petitioner invited our attention to certain documents placed on record. She submitted that the petitioner passed 10th standard examination and was desirous to seek admission for technical course. The petitioner thus submitted application for State Common Entrance Test Cell, copy of which is placed on record at Exh.A. Learned Counsel then submitted that in the school record at the stage of attending primary classes, namely, for standards Ist to Vth the petitioner was studying in Shri Guru Tegh Bahadur English High School. The copy of the school leaving certificate is placed on record to submit that the petitioner's social status was referred to as "Nhavi". Similarly, while admitting the petitioner in standard Vth class, her social status is referred to as candidate belonging to "Nhavi" sub caste. Learned Counsel then submitted that in the school leaving certificate issued by the Head Master of St. Francis D Sales High School, Jalna Road, Aurangabad, the social status of the petitioner is referred to as belonging to "Hindu Maratha" religion and caste. Learned Counsel for the petitioner submitted that the petitioner immediately submitted representation to the Education Officer through the Head Master of the school on 23rd July, 2018. By communication dated 24th July, 2018, the Education Officer (Secondary), Zilla Parishad, Aurangabad informed to the Head Master that the proposal for effecting change in the social status of the petitioner cannot be considered by the Education Officer as the petitioner left the school in the year 2013-14 and as per the provisions of Secondary School Code and more particularly in view of the provisions of

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Rule 26.4 of Secondary School Code once the student leaves the school, the Education Officer cannot effect any change in the record. The proposal was returned to the Head Master. Learned Counsel for the petitioner then invited our attention to the copy of certificate issued by the Sub-Divisional Officer, dated 23rd May, 2016, to submit that the certificate refers the status of the petitioner as candidate belonging to "Nhavi" caste. It is also submitted by the learned Counsel for the petitioner that the petitioner also submitted her proposal to the competent scrutiny committee for verification of her caste on 9th July, 2018 and the receipt to that effect is placed on record at Exh.D.

4. Learned Counsel for the petitioner invited our attention to the order of the Division Bench of this Court dated 4th September, 2014. Learned Counsel thus submitted that respondent no.2 Education Officer (Secondary) be directed to take a decision on the proposal which is returned to the Head Master forthwith. Learned Counsel submits that as the process of considering the claim of desirous students for admission to technical course is going on, respondent no.2 be directed to consider the proposal forthwith.

5. Learned Asstt. Govt. Pleader submits that the petitioner had approached the authorities at a belated stage and the Education Officer, by assigning the reason, returned back the proposal to the Head Master.

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6. Though the learned Asstt. Govt. Pleader opposes the petition, we see no reason to take a different view than the view taken by the Division Bench of this Court in order dated 4th September, 2014. As the petitioner's proposal is returned to the Head Master, we permit the petitioner to submit a fresh and comprehensive representation to the competent authorities. Though the learned Counsel for the petitioner prays for direction to the authority to decide the proposal forthwith, we are unable to accept the said submission. If the petitioner is advised to submit the comprehensive representation, the competent authority i.e. respondent no.2 to decide the proposal or representation received by him as early as possible, having regard to the fact that the petitioner is putting her claim for seeking admission in the technical course and the process is going on.

With aforesaid directions writ petition stands disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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