

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13744 OF 2017

Vikas Shivnath Harak

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Chandrakat K. Shinde, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1 and 2.

Shri Manoj A. Dond, Advcoate for Respondent Nos. 3 and 4.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **6th March, 2018**

PER COURT :

1. Learned advocate submits that the management has forwarded the proposal to the Education Officer for correction of caste in the school record. The Education Officer has not accepted it on the ground that petitioner has left the school. The learned advocate submits that this court in number of matters has interpreted the Clause 26.4 of the Secondary School Code read with Appenxdix – Six, to be directory and not mandatory.

2. Learned Additional Government Pleader submits that the petitioner had left the school many years back. The Education Officer has rightly not accepted the proposal.

3. It appears that the petitioner has recently left the school. Reliance is placed in the order in a case of **Shaikh Shafi Ahmed Khadarsab Vs. State of Maharashtra and others** reported in **2012 (5) Mh. L. J. 36.**

4. It appears that the petitioner has recently left the school. The management has already forwarded the proposal. The Education Officer shall accept the proposal and take decision upon it in accordance with the provisions of the statute and shall not reject it only on the ground that the petitioner has left the school.

5. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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