

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

46 WRIT PETITION NO. 3832 OF 2020

RUTUJA SHIVSHANKAR MIRKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Patil Sham B.
AGP for Respondent No. 1: Mr. K. N. Lokhande
Advocate for Respondents No. 2 & 3: Mr. A. V. Hon

...

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AKASH ASHOKRAO MIRKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner: Mr. Patil Sham B.
AGP for Respondent No. 1: Mr. K. N. Lokhande
Advocate for Respondents No. 2 & 3: Mr. M. P. Kale

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 26th OCTOBER, 2020

PER COURT:

1. Mr. Patil, learned Counsel for the petitioners submits that the Education Officer has rejected the applications only on the ground that the petitioners have left the school.

2. The petitioners had approached the Education Officer for correction of the entries in the

school record pertaining to caste. The learned Counsel submits that, wrongly entries are recorded as Lingder, the same ought to be Lingayat. The entire record of the petitioners' father, grand father is of Lingayat. The learned Counsel submits that the petitioners are not claiming any benefit of reservation. Lingder is a Scheduled Caste, whereas Lingayat is from Open category.

3. We have heard the learned Assistant Government Pleader for respondent no. 1, Mr. Hon, learned Counsel for respondents no. 2 and 3 in Writ Petition No. 3832 of 2020 and Mr. Kale, learned Counsel for respondents no. 2 and 3 in Writ Petition No. 3833 of 2020.

4. This appears to be a case; where the petitioners do not seek to claim benefit of reservation.

5. The Full Bench of this Court in Writ Petition No. 3266 of 2012 dated 08.10.2012, has held that obvious mistakes can be corrected even after the pupil has left the school.

6. Considering the fact that the petitioners are not seeking any benefit of reservation and that instead of a entry of reserved category is seeking entry of Open (General) category and considering the record, we set aside the impugned orders and direct the Education Officer to consider the applications of the petitioners on its own merits. The same shall be considered within three (03) months.

7. Writ Petitions are accordingly disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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