

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

WRIT PETITION NO. 11308 OF 2019

Priya Omprakash Walmiki
Age: 24 years, Occu.; Student,
R/o Thermal Power Station Colony,
Parli Vaijnath, Tq. Parli Vaijnath,
Dist. Beed

..PETITIONER

VERSUS

1. The Education Officer (Secondary),
Zilla Parishad, Beed
2. The Head Master,
New High School,
Thermal Power Station, Parli Vaijnath,
Tq. Parli Vaijnath, Dist, Beed
3. Education Officer (Primary),
Zilla Parishad, Beed
4. Head Master,
Navin Prathamik Shala (Shantikunj) (Thermal),
Tq. Parli Vaijnath, Dist. Beed

..RESPONDENTS

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Mr. S.K. Majit, Advocate h/f Mr. S.S. Deshmukh, Advocate for petitioner
Mr. S.N. Kendre, A.G.P. for respondent – State
Mr. Y.G. Birajdar, Advocate for respondent nos. 2 and 4

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**CORAM : SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATED : 09th DECEMBER, 2020

ORAL JUDGMENT (PER : SUNIL P. DESHMUKH, J.):

Rule. Rule made returnable forthwith. Heard learned counsel for
appearing parties finally, by consent.

2. Petitioner's request is to have correction in school record in which entry has crept in showing him to be belonging to be '*Rajput*' caste, while he is from '*Hindu-Bhangi*', scheduled caste community. While said request has been made to the head-master of the school, a communication had been issued on 26th August, 2019 by Respondent No.1 declining the request having regard to constraint under clause 26.4 of Secondary School Code.

3. Learned counsel for petitioner, during course of submissions, draws attention to the admission register extracts of his real elder sisters viz. Aruna, Sapna and Poonam. School record of Sapna, annexed to petition, shows her caste '*Bhangi*', so is the case in respect of admission extract of other sisters. Said record has not been disputed by respondents.

4. The reply filed on behalf of Respondent No.4 – school refers to that application submitted by parents of petitioner is untraceable. However, it has further been referred to that siblings of petitioner, referred to above, were also studying in the same school and school leaving certificates of siblings refer to their caste as '*Hindu-Bhangi*' and inadvertently petitioner's caste appears as '*Hindu-Rajput*' as against '*Hindu-Bhangi*'.

5. Whereas, respondent-State purports to resist stating that father's employment service book record shows him to be 'Scheduled Caste *Hindu*' and no particular caste has been referred to. Clause 26.4 of Secondary

School Code has been referred to stating that it does not permit any correction in past school record after the student leaves school and it is not the case that petitioner is taking education in the school. Referring to the decision in the case of *Janabai Himmatrao Thakur Vs. State of Maharashtra and Others*, Writ Petition No. 8085 of 2017, in paragraphs no. 23 to 27, it is submitted that only limited changes are permissible which may not include the request being made under present petition. It has further been referred to that any change sought to be made, has to be supported by documentary evidence. The petitioner is not able to produce any such document.

6. While veracity of documents appended to the writ petition is not in dispute, having regard to provisions of Clause 26.4 of Secondary School Code and further having regard to decision by Division Bench of this court (*supra*) referred to on behalf of respondents, position emerges that errors which fall within the category of obvious mistakes, can be entertained, even after the student has left school in light of the language employed in Clause 26.3.

7. Since the school record in respect of petitioner's elder sisters is not disputed, it appears that request made under present petition bears substance. It is not the case that change sought is not supported by any document and, thus, having regard to overall position emerging from the

facts and decision of this court in *Janabai Himmatrao Thakur* (supra), the error appears to fall in the category of obvious mistake. As such, writ petition is allowed in terms of prayer clauses (A) and (B).

8. Writ petition is disposed of. Rule is made absolute accordingly.

(R.G. AVACHAT, J.)
SSD

(SUNIL P. DESHMUKH, J.)