

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

WRIT PETITION NO. 7299 OF 2020

Rahul Suresh Shinde

.. Petitioner

Versus

The Education Officer (Primary),
Zilla Parishad, Dhule and ors.

.. Respondents

Mr M.S. Shaikh, Advocate h/f Mr S.S. Deshmukh, Advocate for petitioner
Mr N.N. Desale, Advocate for respondent no.1
Mrs V.S. Choudhary, A.G.P. for respondent no.2

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

DATE : 15th January 2021

PER COURT :

1. The learned Counsel for the petitioner submits that the petitioner is issued with the validity certificate of Hatkar - N.T. (C). However, in the school record, the caste is wrongly recorded as 'Hatkar Patil'.
2. The learned Counsel for the petitioner submits that application is made for correction of caste in the school record in tune with the validity certificate, but the same is rejected on the ground that the petitioner has left the school.
3. Mr Desale, learned Advocate for respondent no.1 - Education Officer submits that as the petitioner has left the school, the correction in the school record cannot be made.
4. The Full Bench of this Court in case of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and ors.**, reported in **2019 (6) Mh.L.J. 769**, has held that Clause 26.4 of the Secondary School Code is directory in nature. The said provision also provides that after the child has left the

school, correction cannot be made. However, the Full Bench has opined that *bona fide* mistake can be corrected even after the student has left the school.

5. As the petitioner is already issued with the validity certificate as Hatkar - N.T. (C), there would not be any impediment for Education Officer to entertain the application of the petitioner and decide it.

6. In light of above, we pass the following order:

7. The impugned order is quashed and set aside.

8. Respondent no.1 - Education Officer shall take decision upon the application of the petitioner for correction of caste in the school record in tune with the validity certificate, on its own merits expeditiously, preferably within a period of two months.

9. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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