

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

WRIT PETITION NO. 168 OF 2021

Amol s/o Bhavlal Pardeshi .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr S.S. Rathi, Advocate for petitioner
Mr S.K. Tambe, A.G.P. for respondent-State

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

DATE : 7th January 2021

PER COURT :

1. The learned Counsel for the petitioner submits that the caste of the petitioner is wrongly recorded in the school record of the petitioner as 'Bhamta Rajput'. However, the same ought to be 'Pardeshi'. The petitioner is issued with the caste certificate as 'Bhamta Rajput'. The said caste certificate is validated by the Committee under order dated 26.5.2017. The petitioner is selected in the Army, but the appointment order is not issued on the ground that in the school record, his caste is recorded as 'Bhamta Rajput'.

2. It appears that the application of the petitioner is rejected by the Education Officer only on the ground that the petitioner left the school.

3. 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 and in exceptional case, where *bona fide* mistake has occurred, same can be corrected even after the student has left the school.

4. In the present matter, it appears that the petitioner is issued with the validity certificate as Pardeshi - O.B.C.

5. In view of that, the impugned order is quashed and set aside. The Education Officer shall adhere to the procedure as prescribed under Clause 26.4 of the Secondary School Code read with Appendix six and shall decide the application/representation made by the petitioner expeditiously, preferably within six weeks.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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