

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3253 OF 2021

Kishor s/o Vijay Khandagale
Age : 43 years, occ : private service
R/o Alamgir Road, Behind Hotel
Jalsa, Bingar Area, Ahmednagar.

Petitioner

Versus

1. The State of Maharashtra
Through Secretary
Education Department,
Mantralaya, Mumbai – 32.

2. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
District Ahmednagar

3. The Head Master,
Dadasaheb Rupwate High School
And Junior College, Tophkhana
Area, Near Siddhi Garden,
Ahmednagar

Respondents

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Mr. S.S. Rathi, Advocate for the petitioner.
Smt. M.A. Deshpande, A.G.P. for respondent Nos. 1 and 2.

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**CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 14 JUNE 2022

ORAL JUDGMENT (PER C.V. BHADANG, J.) :

1. Rule. Rule made returnable forthwith. Learned A.G.P. waives notice for respondent Nos.1 and 2. Heard finally by consent of the parties.

2. By this petition, the petitioner is challenging the order dated 28 September 2020 passed by the third respondent refusing to correct the caste of the petitioner in the school record from “Christian” to “Hindu Mahar”, on the ground that as per the provisions contained in Appendix Six of the Secondary School Code (“Code” for short), the correction of the school record is not permissible after the student is left the school.

3. The learned Counsel for the petitioner has placed reliance on the decision of Full Bench of this Court in ***Janabai d/o Himmatrao Thakur vs. State of Maharashtra and others, 2019 (6) Mh.L.J. 769*** in which this Court has answered the reference in the following terms :

“39. This being the position, We answer Question Nos. (A) & (C) in the following terms :

(a) An application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.

(c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of 'obvious mistakes', can be made, even after the student has left school in (46) WP No.8085/2017 light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.

(d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above”.

4. The learned Counsel for the petitioner has placed reliance on Clause 39 (c) of the said decision in order to submit that the change in the name, surname or caste either due to reasons/cause unnoticed before or even occurring subsequently, are held to be errors falling within the category of ‘obvious mistakes’ and can be made even after the student left the school, in the light of the language of Clause 26.3 in the manner as indicated by Appendix Six .

5. The learned Counsel for the petitioner submitted that the petitioner has relevant record to show that his caste is “Hindu Mahar” and the Caste Certificate of his brother has also been validated.

6. In any event, we find that as the third respondent has refused to grant the application for correction, on the ground of Appendix Six of the Code, it would be appropriate if the third respondent decides the application afresh, after taking note of the decision of Full Bench of this Court in *Janabai Thakur* (supra).

7. In the result, the petition is partly allowed. The impugned communication is hereby quashed and set aside. The third respondent shall decide the application for correction afresh in the light of the relevant provisions and the decision of this Court in *Janabai Thakur* (supra). It would be for the petitioner to produce the relevant record before respondent Nos.2 and 3 within a period of 2 weeks.

Rule is made absolute in the aforesaid terms with no order as to costs.