

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.1844 OF 2020

MANOJ SHIVAJI GADHAVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Rathi Swapnil S.
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for respondent no. 4 : Mr. S.V. Kuptekar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 18 AUGUST 2023

PC :

Heard learned advocate for the petitioner, learned AGP and the learned advocate Mr. Kuptekar who appears for the respondent no. 4.

2. The petitioner is seeking correction of the school record to the extent of reference to his caste recorded as Kashi-Kapadi when he belongs to the caste Kashid. By the impugned orders passed by the respondents 3 and 4 who are the Education Officer (Secondary) and Education Officer (Primary) respectively, the proposal for a change to be effected pursuant to clause 26.4 of the Secondary School Code have been rejected on the ground that he has left the school and no correction can be ordered under that provision after a pupil leaves the school.

3. Additionally, the respondent no.4 – Education Officer (Primary) in spite of his attention having been adverted to the decision of

the Full Bench of this Court in the matter of ***Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769*** has resorted to the same reasoning when, in-fact, the Full Bench expressly lays down the law to the effect that if it is an obvious mistake, that can be corrected under clause 26.4 even after the pupil leaves the school. Surprisingly, the respondent no. 4 – Education Officer (Primary) has been bold enough to observe that the decision of the Full Bench only regulates the rights of the parties therein.

4. We do not intend to waste our time in educating the Education Officer (Primary). Once a law is laid down by this Court under Article 226 of the Constitution of India, interpreting a provision of law, all the stake holders are bound to follow it.

5. Be that as it may. We allow the writ petition partly, quash and set aside both the orders passed by the respondents 3 and 4 and remit the matters back to them for decision afresh strictly in the light of the principles laid down in the matter of ***Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.*** (supra). The decision shall be taken as expeditiously as possible and in any case within four weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/