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

20 WRIT PETITION NO.2737 OF 2020

VISHAL ASHOK MADAVI, THROUGH ITS GUARDIAN
VERSUS
THE EDUCATION OFFICER (SECONDARY) AND OTHERS

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Mr Sachin S. Deshmukh, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondent No.1
Mr S. B. Pulkundwar, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 16th January, 2023

PER COURT:

1. Despite service of first notice of this Court and thereafter, a notice for final disposal, respondent Nos.3 and 4 / Schools, have not entered an appearance, either personally or through an Advocate.

2. The petitioner has put forth prayer clauses (A) and (B), which read as under :-

“A) By issuance of writ of certiorari or writ or order in like nature quash and set aside the impugned communications dated 07/10/2019 issued by respondent No. 3 and 4 with further directions to respondents to proceed the application/proposal seeking change in caste as contemplated under Rule 26.4 of Secondary School Code; and for that, purpose issue necessary directions.

(2)

B) By issuance of writ of mandamus or order or directions in like nature it be directed to the respondent No.1 to effect necessary correction in the caste column of the petitioner as "Gond", which is included in Scheduled Tribe (ST) forthwith; and for that purpose issue necessary directions."

3. Before we advert to the controversy before us, it would be apposite to refer to the conclusions of the learned Full Bench of this Court in the matter of **Janabai Himmatrao Thakur Vs. State of Maharashtra and others, 2019 (6) Mh.L.J. 769** in paragraph No.39 (a) to (d), which read as under :-

"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

(3)

subsequently, being errors which fall within the category of 'obvious mistakes', can be made, even after the student has left school in 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 confusion with regard to the Tribe description of the petitioner is, that his father belongs to the ‘Gond’ - Scheduled Category. His old record acquired from the School, supports this contention. His claim of belonging to the ‘Gond’ - Scheduled Tribe was validated by the Competent Committee and a certificate of validity was issued on 17/12/2009. The Tribe Certificates issued to the paternal blood relatives, indicate the Tribe as ‘Gond’. The School Leaving Certificate dated 02/05/2012, issued to the petitioner by the Primary School from Nanded, wrongly mentioned the Scheduled Tribe of the petitioner, in Marathi, as ‘Gound’. Consequentially, the further entries were recorded as ‘Gound’.

(4)

5. The learned A.G.P. submits that, the confusion has occurred on account of the word 'Gond', which is a Scheduled Tribe and the word 'Gound' which is not a Tribe. He clarifies that, in Marathi the Scheduled Tribe is known as 'Gond' and the other one in Marathi is written as 'Gound'. He further adds that the Surname 'Madavi' is found only amongst the 'Gond' Scheduled Tribe category people.

6. Considering the above, we find that the petitioner deserves the liberty to seek correction of his Scheduled Tribe Category, so as to read as 'Gond'.

7. This petition is, therefore, disposed off with a direction to the Education Officer to deal with the said issue and pass an appropriate order. For the said purpose, we direct respondent Nos.3 and 4 /Schools to send a proposal forthwith. The Petitioner shall serve a copy of this order on the said Respondents.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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