

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO.3930 OF 2023

SAGAR SUBHASH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Mr.N.N. Bhagwat, Advocate for the Petitioner.
Mr.V.M. Kagne, AGP for Respondent/State.
Mr.U.B. Bondar, Advocate for Respondent No.2.
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th APRIL, 2023.**

PER COURT :-

1. Leave to delete Respondent No.3, which is formal party. Deletion be carried out forthwith.
2. The Petitioner relies upon his social status entries vide the caste certificate, his father's caste certificate etc., to indicate that he belongs to Maratha caste and not Maratha Kunbi, which would fall in O.B.C. category. The Education Officer (Primary) has rejected his application for correction in the school record which occurred on account of the mistake committed by the Government Polytechnic College at Jalna, by the impugned order dated 23.02.2023 for the reason that as he has left the school, clause 26.4 of the Secondary School Code would prohibit correction in the school record.
3. Heard.
4. It is well settled that though a candidate may have left the

school, clause 26.4 of the Secondary School Code can be invoked if there is an obvious mistake in the school records (see paragraph 39 of the judgment of this Court in **Janabai Himmatrao Thakur Vs. State of Maharashtra and others** reported in **2019 (6) Mh.L.J.769**).

5. The learned Advocate Shri Bondar was requested by the Court to cause his appearance in the matter since he is on the panel of Advocates representing the Zilla Parishad, Aurangabad. He submits that the Zilla Parishad would not canvass against the law or a judicial pronouncement. He prays that an appropriate order be passed.

6. In view of the above, this petition is partly allowed. The impugned order dated 23.02.2023 is quashed and set aside. The Proposal forwarded by the School dated 10.02.2023 would be considered by Respondent No.2, on it's own merits and pass appropriate orders by perusing the record pertaining to the social status of the Petitioner from the parental side.

6. Let such decision be arrived at on or before 31st May, 2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/