

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

909 WRIT PETITION NO.3881 OF 2023

GOPISAGAR MANSARAM DHIWARE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. G. D. Jain, h/f Mr. Amol S. Sawant.
AGP for Respondent No.1 : Mr. S. G. Karlekar.
Advocate for Respondent No.2 : Mr. U. S. Patil.
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 05th April, 2023.

Per Court:

1. The Petitioner has put forth prayer clauses 'A' and 'B' as under:-

"A] The Hon'ble High Court may be pleased to quash and set aside the communication /order dated 27.03.2023 passed by the Education Officer (Primary), Zilla Parishad, Dhule and to direct the Education Officer (Primary), Zilla Parishad, Dhule to correct the caste in the school record of the petitioner in the tune of Caste Validity Certificate and further be pleased to pass necessary orders for the said purpose;

B] Pending hearing and final disposal of the present Writ Petition, the Hon'ble High Court may be pleased to grant stay to the communication /order dated 27.03.2023

passed by the Education Officer (Primary), Zilla Parishad, Dhule and to direct the Education Officer (Primary), Zilla Parishad, Dhule to correct the caste in the school record of the petitioner in the tune of Caste Validity Certificate and further be pleased to pass necessary orders for the said purpose;”

2. The issue is that the headmistress of the school at Dhule has mentioned in the school leaving certificate, originally dated 30th May, 1987 that the caste of the Petitioner is “Hindu-Brahmin”. The father’s school record, when he was admitted in school on 19th June, 1959, indicates “Hindu-Mahar”. The caste certificate of the Petitioner indicates “Hindu-Mahar” and he has been granted a validity certificate on 16th March, 1998 concluding that he belongs to “Mahar” Scheduled Caste category.

3. In view of the above, this Petition is allowed in terms of prayer clause ‘A’.

4. We direct the Education Officer (Primary), Zilla Parishad, Dhule, to correct the caste of the Petitioner, in the school records in the light of the validity certificate that he has received from the competent committee, keeping in view paragraph 39 of the judgment delivered by the learned Full Bench of this Court in *Janabai d/o Himmatrao Thakur*

Vs. State of Maharashtra and others, 2019 (6) Mh.L.J. 769. This decision shall be complied with within 30 days from today.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]