

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

WRIT PETITION NO.4194 OF 2023

**SUVARANA KONDIRAM PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

...

Mr. Avinash R. Salve, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondents-State.

...

**CORAM : MANGESH S. PATIL AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 06th JUNE, 2023.

P.C:-

1. Heard both the sides.
2. The petitioner is seeking correction of her school record qua her caste. She claims to be Maratha, but the school record demonstrates that she is Maratha-Kunbi. The petitioner has produced the record *prima facie* demonstrating that her blood relations have been Maratha as can be seen from their school record. By the impugned communication the respondent-Headmaster has refused to entertain the petitioner's request to carry out the correction only on the ground that it is not covered by Clause 26.4 of the Secondary School Code.
3. Admittedly, the matter had not reached the Education Officer (Secondary), who is competent to decide such request.

4. The submission of the learned A.G.P. that the change in the caste is not covered and contemplated by Clause 26.4 of the Secondary School Code, need not be gone into at this stage. It would always be open for the Education Officer to consider and take an appropriate decision in the light of the Full Bench decision of this Court in the matter of ***Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and Others***, reported in ***2019 (6) Mh.L.J. 769***.

5. We allow the writ petition partly, quashed and set aside the impugned communication and direct respondent no.3 to forward an appropriate proposal to respondent no.2 as expeditiously as possible and in any case within three weeks and respondent no.2 shall thereafter consider and decide it in accordance with law within a period of six weeks from the date of receipt of the proposal.

(S. G. CHAPALGAONKAR)
JUDGE

(MANGESH S. PATIL)
JUDGE