

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

WRIT PETITION NO. 7570 OF 2022

Kiran Prabhakar Khaire .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Himmatsinh D. Deshmukh, Advocate for the Petitioner.

Shri S. R. Yadav-Lonikar, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 05 SEPTEMBER 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for both the sides finally at the admission stage.

2. The petitioner is challenging the order dated 13 June 2022 passed by the respondent No. 3/Education officer rejecting the proposal for correction in the school record under Clause 26.4 of the Secondary School Code.

3. The petitioner was a student of the respondent No. 4/school. While admitting in the school his caste was recorded as Kunbi. After he left the school, it was realized that his caste was wrongly recorded. Therefore, an application was made for correction in the school record to the respondent

No. 4/school. The proposal for correction of the school record was forwarded by the respondent No. 4 to the respondent No. 3/Education Officer.

4. By the impugned order the proposal of the petitioner is rejected by the Education Officer by assigning only reason that the petitioner ceased to be student of the respondent No. 4/school.

5. The reason assigned by the Education Officer is not sustainable in the eye of law in view of the settled legal position set out by the Full Bench of this Court in the matter of **Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another** reported in **2019(6) Mh.L.J. 769**.

6. We therefore, are inclined to quash and set aside the impugned order and remit the matter back to the Education Officer for taking decision afresh. In that view of the matter, we pass following order.

7. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent No. 3/Education Officer shall decide the proposal of the petitioner afresh considering the provisions of the Clause 26.4 of the Secondary School Code and the parameters laid down by the Full Bench of this Court in the matter of **Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another** (supra). The decision shall be taken

as expeditiously as possible and in any case within a period of four (04) weeks from the receipt of this order. The Education Officer shall not reject the proposal on the ground on which the impugned order was passed. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23