

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

938 WRIT PETITION NO. 7675 OF 2023

ALTMASH AYYUB PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Salve Avinash Rangnathrao
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
Advocate for Respondent No. 3 : Mr. M.V. Thorat
h/f. Mr. Rathod Vivek Uttamrao
...

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

DATE : 01 SEPTEMBER 2023

PER COURT :

Heard.

2. The petitioner is seeking correction of school record in respect of his caste. The respondent no. 3 – Headmaster, is supposed to forward it to the respondent no. 2 – Education Officer (Secondary). However he has refused to do so on the ground that by virtue of clause 26.4 of the Secondary School Code, the request cannot be considered after the petitioner has left the school.

3. The scope and ambit of clause 26.4 of the Secondary School Code, has been elaborately considered and decided by the Full Bench of this Court in the matter of *Janabai D/o. Himmatrao Thakur Versus The State of Maharashtra and another*, **2019 (6) Mh.L.J. 769**. It cannot be

refused because the student has left the school. The request can be entertained under that provision.

4. We, therefore, allow the Writ Petition by directing the respondent no. 3 – Headmaster, to forward the proposal to respondent no. 2 – Education Officer (Secondary), within a period of two weeks from today.

5. The respondent no. 2 – Education Officer (Secondary), shall thereafter, take appropriate decision in the light of judgment of the Full Bench in the matter of *Janabai* (supra) within a period of four weeks from the date he receives the proposal from the Headmaster.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]