

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 WRIT PETITION NO.8795 OF 2023

ASTIK SURESH RANGNENIWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Sabnis Ameya N.
AGP for Respondents/State : Mr. S.G. Sangale

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

DATE : 24.07.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P.

2. By the impugned order, the respondent-Education Officer (Secondary) has refused to exercise the powers vesting in him by virtue of clause 26.4 of the Secondary School Code for correction of his school record to the extent of description of the caste only on the ground that he had left the school.

3. This Court in the matter of **Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.J.J. 769** has expressly laid down the parameters to be taken into consideration while exercising the powers under clause 26. If it is an obvious mistake, the authorities can exercise the power even after the pupil leaves the school.

4. In the light of above the only ground on which the impugned order has been passed being unsustainable, the matter needs to be reconsidered by the respondent No. 2-Education Officer in the light of the observations and the decision in the matter of **Janabai (supra)**.

5. The Writ Petition is partly allowed. The impugned order is quashed

and set aside. The respondent-Education Officer (Secondary) shall consider the request afresh on its own merits and in the light of the decision in the matter of **Janabai (supra)** as expeditiously as possible and in any case within six weeks from today.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-