

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

WRIT PETITION NO.1814 OF 2021

Kailashkumar Vagtaram Dudi
under guardian of his father
Vagtaram Devaram Dudi

... **Petitioner**

VERSUS

1. The State of Maharashtra
through the Secretary
School Education Department
Mantralaya Mumbai – 32
2. The Education Officer (Secondary)
Zilla Parishad, Aurangabad
3. The Headmaster,
Regimental Children High School,
Cantt, Aurangabad 4310022

... **Respondents**

...

Advocate for Petitioner: Mr. O.D. Totawad h/f. Mr. Chandrakant R. Thorat
AGP for Respondent Nos.1 and 2 : Mr. S.B. Yawalkar

...

CORAM

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

DATE

: 08.09.2023

PER COURT :

Heard learned counsel for both the sides.

2. The petitioner is challenging the order dated 05.02.2020 passed by the respondent No.2 - Education Officer (Secondary) rejecting his application for correction in the school record. The correction which is sought for is in respect of the caste of the petitioner which is wrongly recorded as 'Marwadi' which should have been 'Jat'.
3. The petitioner was admitted in the respondent No.3 - School. At

the time of admission his caste was recorded as 'Marwadi'. After completion of his education the mistake was realized by the petitioner. On 03.12.2019 the petitioner made application to the respondent No.3 School for correction in the school record. On 04.12.2019 the proposal was forwarded by the school to the respondent No.2 - Education Officer (Secondary) for effecting the change.

4. By the impugned order the proposal was rejected by the Education Officer by assigning only reason that petitioner ceased to be a student of a school concern. The reason assigned by the Education Officer is unsustainable in view of law laid down by a full bench in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769**. We are, therefore, inclined to relegate the parties to the Education Officer (Secondary) to decide the proposal afresh.

5. We, therefore, dispose of this writ petition by following order :

- i. The impugned order dated 05.02.2020 is quashed and set aside.
- ii. The respondent No.2 – Education Officer (Secondary) shall decide the proposal afresh preferably within a period of four months.
- ii. The Education Officer (Secondary) shall have regard to the parameters laid down by the full bench as well as Clause 26.4 of the Secondary School Code, 1977.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)