

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.11288 OF 2022

RAMESH PRALHADRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.M.L.Muthal, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for respondent No.1.
Mr.A.D.Sonkawade, Advocate for respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 5, 2023

PER COURT :

1. The petitioner has put forth prayer clause B and C as under :-

"B] By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ. Hon'ble High Court may please be directed the respondents to make entry in caste column as 'Maratha' in General Register in school records of the petitioner maintained with the respondent no. 3.

C] Pending hearing and final disposal of this Writ Petition, Hon'ble High Court may please be directed the respondents to make entry in caste column as 'Maratha' in General Register in school records of the

petitioner maintained with the respondent no. 3."

2. We had passed an order dated 06.12.2022, which reads as under :-

"1. This is a peculiar case in which the petitioner seeks entry of his caste in the school record. He was educated in respondent No.3 school at Pune. According to him, the school had a principle of not writing the caste and sub-caste of the students in their school records. The nationality was alone mentioned as "Indian". He contends that his two biological sisters, whose school record is placed before us, are apparently belonging to the "Maratha" caste. He, therefore, prays that the entry of his caste as "Maratha" be made in the school record, which is blank.

2. Issue notice to the respondents, returnable on 3rd January, 2023. The learned AGP waives service of notice on behalf of respondent No.1. Hamdast is granted to serve respondent Nos. 2 and 3."

3. Despite service of Court notice, respondent No.2 / Education Officer (Primary), Zilla Parishad, Pune, has not appeared before this Court and no appearance is caused either in person or through an Advocate, despite service of Court notice.

4. A short issue that begs for consideration is that the school record of the petitioner, who is 58 years of age today, does not carry an

entry as regards his caste. The same needs to be entered and his caste “Maratha” needs to be mentioned in the said record.

5. The petitioner took education in the Dr.(Mrs.) Erin N.Nagarvala Secondary School, Pune. The name of his mother is not mentioned in the Leaving Certificate No.005554, Register No.1593. The caste and sub caste is also blank. His nationality is mentioned as Indian.

6. The record of the biological sisters of the petitioner namely Rekha Pralhadrao Shinde and Sandhya Pralhadrao Shinde, who took education in the ZP School Pathrud and Siddheshwar Secondary School Majalgaon, respectively, indicates their caste as “Maratha”. The son of the petitioner namely Prithviraj Ramesh Shinde who took education in the Swami Vivekanand Academy, Aurangabad and his daughter Devayani Ramesh Shinde who also took education in the same school, have been issued with copies of their school admission record. Both indicate their religion as “Hindu” and the caste as “Maratha”.

7. This is a case wherein the entry of the caste of the petitioner was kept blank in the school in which he took his education,

which was earlier known as “National Model School” prior to 1986. It is not that the petitioner is seeking correction in the description of his caste.

8. In view of the above, we find that this petition deserves to be entertained. The same is, therefore, allowed. We direct respondent No.3/School to forward the proposal of the petitioner for recording the entry of his caste as "Maratha" in his school record, in the light of Rule 26(3) of the Secondary School Code, to respondent No.2, within 4 (four) weeks from today. Thereafter, respondent No.2 will issue appropriate orders permitting the recording of the said entry in the school records of the petitioner, within 4 weeks.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)