

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

WRIT PETITION NO. 12093 OF 2022

**DISHA DEVIDAS SHINDE
VERSUS
THE STATE OF MAHARASHTRA MINISTRY OF SCHOOL EDUCATION AND
SPORTS DEPARTMENT AND OTHERS**

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Advocate for Petitioner : Mr. Deshmukh Mohit R.
AGP for Respondent No.1 and 2 : Mr. S.B. Yawalkar
Advocate for Respondent No.4 : Mr. Rudrawar S.G.

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

DATE : 28 AUGUST 2023

PER COURT :

Heard.

1. The petitioner is seeking correction of the school record pursuant to the provision contained in Clause 26.4 of the Secondary School Code to the extent of name of the caste.
2. The proposal seems to have been forwarded by the respondent no.4/ Head-Master to the respondent no.2/Education Officer (Secondary) pursuant to which the latter seems to have informed the former about rejection of the proposal on the ground that she had left the school and no such correction could have been made by resorting to the aforementioned provision.

3. In the matter of Janabai Himmatrao Thakur Vs. State of Maharashtra, a full bench of this Court has embarked upon the scope and interpretation of the provision of Clause 26.4 of the Secondary School Code and held that depending upon the reason, the request for correction of the school record under that clause could not be refused to be made only on the ground that the child has left the school. It was, therefore imperative for the respondent no.2/Education Officer to consider and take a decision in the light of the observations in the matter of Janabai (supra).

4. We allow the writ petition partly and quash and set aside the order passed by the respondent no.2/Education Officer, communicated to the respondent no.4/Head-Master by his communication dated 16.09.2022.

5. The respondent no.2/Education Officer (Secondary) shall pass a fresh order in the light of observations in the matter of Janabai (supra) as expeditiously as possible and in any case within four weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]