

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

WRIT PETITION NO.490 OF 2023

Parshuram s/o Krushna Gaikwad ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through the Secretary
School Education and Sports
Department, Mantralaya Mumbai
2. The Education Officer (Sec.)
Zilla Parishad, Beed.
3. The Head Master
Vinayak Higher Secondary School,
Peth Beed, Tq. and Dist. Beed

... **RESPONDENTS**

...

Advocate for Applicant : Mr. Basarkar Anil P.
AGP for Respondent /State : Mr. S.R. Yadav - Lonikar
Advocate for respondent No.3 : Mr. V.S. Kadam

...

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

DATE : 18.10.2023

ORDER : (SHAILESH P. BRAHME, J.)

Heard learned counsel for both the sides.

2. The petitioner is challenging the communication dated 25.11.2022 issued by the respondent No.2 - Education Officer rejecting the proposal for correction in the school record.

3. The petitioner has sought correction in the school record to the extent of caste. His caste was wrongly recorded as 'Takari' which should have been 'Wadari'. Therefore application was submitted to the

respondent No.3 – School. It was forwarded to the Education Officer by letter dated 14.11.2022. By impugned communication it was rejected only on the ground that the petitioner ceased to be the student of the school concerned and as per provisions of Rule 26.4 of the Secondary School Code, 1977 it was not permissible to correct the record.

4. In view of the judgment rendered by full bench in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769** the reason cited by the Education Officer is unsustainable. The Education Officer has to reconsider the claim of the petitioner as per Rule 26.4 of the Secondary School Code, 1977 as well as the parameters laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra).

5. We, therefore, dispose of this writ petition by directing the respondent No.2 – Education Officer to reconsider the proposal and take a decision afresh on its own merits. The communication dated 25.11.2022 is quashed. The respondent No.2 shall decide the proposal within six weeks.

6. The writ petition is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)