



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5992 OF 2024

Bibhishan S/o Sadashiv Rahate

... PETITIONER

VERSUS

1. The State of Maharashtra
through the Secretary of
Tribal Development Department
Mantralaya Mumbai-32
2. The Education Officer (Primary)
Zilla Parishad, Beed
3. The Block Education Officer
Panchayat Samiti, Shirur Kasar
Tq. Shirur Kasar, District Beed
4. The Head Master,
Zilla Parishad Primary School,
Bhadkel Center Pangri,
Tq. Shirur Kasar, Dist. Beed

... RESPONDENTS

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Advocate for the Petitioner : Mr. Tungar Hrishikesh V.

AGP for Respondent/Sate : Mr. S.P. Joshi

Advocate for Respondent Nos.2 to 4 : Mr. P.D. Suryawanshi

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CORAM

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

DATE

: 24.06.2024

PER COURT:

The petitioner is aggrieved by the decision of the respondent
- Education Officer (Primary) dated 15.12.2023, whereby, he has refused
to consider the petitioner's request for change in the school record to the

extent of his caste on the ground that he has left the school and no action is permissible under clause 26.4 of the Secondary School Code, 1977.

2. Leaving of the educational institute cannot be an anathema for exercising the power under clause 26.4, in the light of the full bench decision in the matter of **Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra and Ors.; 2019 (6) Mh.L.J. 769**, albeit, it would depend upon the facts and circumstances as indicated therein, however, without undertaking any scrutiny as to if the petitioner's request can be considered in the light of the parameters laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra), the impugned communication straightaway refuses to entertain the request on the ground mentioned herein above. The order is unsustainable.

3. The writ petition is allowed. The impugned order is quashed and set aside. The matter is relegated back to the Education Officer (Primary) who shall take the decision afresh after extending petitioner an opportunity of being heard, as expeditiously as possible and in any case within four weeks in the light of the parameters laid down in the matter of **Janabai d/o. Himmatrao Thakur** (supra).

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)