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952wp2860.24

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

952 WRIT PETITION NO. 2860 OF 2024

ASHUTOSH BHUJANG RAUL

....Petitioner

VERSUS

**THE STATE OF MAHARASHTRA THROUGH TIS SECRETARY
AND OTHERS**

.....Respondents

Mr. A. V. Indrale Patil, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for the Respondents/State
Mr. P. P. Kothari, Advocate for Respondent No.2

**CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ.**

DATE : 14th MARCH, 2024

P. C.

1. The Petitioner's case rests on the original old record of his grand-father and father, which indicate the caste as 'Hindu Suvarnakar'. Such entries are consistently found in the grand-father's and the father's record. Similar entries are also found in the case of his Paternal Blood Relatives. It is only in the case of the Petitioner, in one particular School Zilla Parishad Primary, Ambad, Tq. Akole, Dist. Ahmednagar, wherein, the entry was

mistakenly recorded as 'Mahadev Koli'.

2. The law laid down by the Full Bench of this Court in the case of Janabai Himmatrao Thakur Vs State of Maharashtra and others reported in 2019 (6) Mh.L.J. 769 (FB) clearly indicates that even if a student leaves a school, if there is an obvious mistake, the same can be corrected.

3. In view of above, the impugned order dated 02-01-2024, is quashed and set aside. The Proceedings are relegated to the Education Officer (Secondary). We direct the said Education Officer Mr. Ashok Kadus to follow the dictum laid down in the case of Janabai Himmatrao Thakur (supra) and initiate appropriate steps for re-considering the proposal or change in the caste/tribe certificate entry.

4. Needless to state, that he will have the liberty to consider the entire record of the grand-father and father of the petitioner, before coming to any conclusion and pass a reasoned

order. Let the exercise be completed within 60 days at least.

5. In view of above, **this Writ Petition stands disposed off.**

[R. M. JOSHI, J.]

[RAVINDRA V. GHUGE, J.]

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