



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3387 OF 2024

Shaikh Sana Najmin Masid

VERSUS

The State Of Maharashtra
Through Secretary And Others

...

Ms. J. R. Nawale, Advocate for the Petitioner

Mr. S. B. Narwade, AGP for Respondents

...

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

DATE : MAY 02, 2024

PER COURT :

1. On 01.04.2024, after hearing the learned Advocate for the Petitioner, we had passed the following order:

1. *The Petitioner desires that her caste be shown as Muslim. Her father's school record shows his caste as Muslim. We are not convinced. Muslim cannot be a caste. It is a religion. Merely because, the Petitioner desires that a particular entry be made in her record, such request cannot be accepted. Similarly, a change published in the Maharashtra Gazette on such lines, would also be inconsequential.*

2. *The Petitioner will have to research on the old records of her grand father, great grand father, paternal relatives etc. The learned Advocate for the Petitioner submits that she would collect such records and produce it before the Court.*

3. *List this Petition in the 'fresh admissions' category on 17th April, 2024, so as to enable her to produce the old records of her grand father, great grand father and similar records of the paternal side.*

2. The learned Advocate for the Petitioner candidly submits that the Petitioner does not have any record of her grandfather, great grandfather or ancestors, except the school certificate of her father which indicates his caste as 'Muslim'. She frankly submits that though she took time from the Court and had called upon her client to find out and dig into the records so as to bring some document before the Court, the Petitioner is unable to bring any record as her father was unable to trace out any documents.

3. The Petitioner's request to her Headmaster is that it should be declared that she belongs to Muslim Caste and the word 'Phulari' written in brackets in her school record should be removed as the same is not found in the records of her father Shaikh Majid or her brother Shaikh Danish.

4. Since this Court cannot declare that, a person professing the Mohammedan religion belongs to '*Muslim*

caste', since Muslim is a religion and as there is no record before us, save and except, the entry 'Phulari' in the record of the Petitioner, it would not be possible to pass any such order.

5. The learned Advocate for the Petitioner submits, on instructions, that as the word "Phulari" is not found in the father's record and her brother's record, the words "Islam Phulari" be deleted from her school record and she is comfortable with the declaration that she belongs to the Muslim Religion.

6. In view of the above, **this Petition is disposed off** with liberty to the Petitioner to approach the Headmaster of Chhatrapati Sambhajnagar Municipal Corporation School, Begumpura for deletion of words "Islam Phulari" from the caste column. The said request may be accepted by recording the religion of the Petitioner as Muslim which she desires.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)