



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3393 OF 2024

Santosh Nathrao Shinde

VERSUS

The State Of Maharashtra
Through Secretary And Others

...

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

Mr. R. K. Ingole, AGP for Respondent No. 1/State

Mr. S. P. Urgunde, Advocate for Respondent nos. 2 and 3

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

DATE : MAY 02, 2024

PER COURT :

1. The Petitioner is before us seeking correction in his social status. His school record of 1987 indicates his caste as Kumbhar which would fall in the Other Backward Class Category (OBC). He has a caste certificate dated 30.07.2001, which indicates his caste as Nhavi (108), which is recognized as OBC category. His biological brother Sunil also has a caste certificate dated 02.08.2001, which indicates his caste as Nhavi. Aditya son of Sunil, also has a caste certificate indicating his caste as Nhavi. According to the Petitioner, it is an obvious mistake that the school recorded his caste as Kumbhar which also falls

in the OBC category, in 1987 when he was admitted in the 1st standard. The Petitioner's mother also has a caste certificate dated 04.10.2001, indicating her social status as Nhavi.

2. We have perused the judgment of the Full Bench of this Court in Janabai d/o. Himmatrao Thakur Vs. State of Maharashtra & Others, 2019(6) Mh.L.J. 769 (FB), wherein this Court has concluded that if there is an obvious mistake, such mistake can be corrected, notwithstanding that the candidate has left the school. For the sake of brevity, we are reproducing paragraph 39 of the said judgment here under:

39. This being the position, We answer Question Nos.(A) & (C) in the following terms:

(a) An application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.

(b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in

the calendar and likewise.

(c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of 'obvious mistakes', can be made, even after the student has left school in light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.

(d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above.

3. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent no. 2 to consider the above factors and pass an appropriate order. We also direct the Headmaster of the Municipal Corporation School, Begumpura, Aurangabad to carryout such correction in the school record by specifically mentioning a footnote "*" (asterisk) clause at the bottom of the freshly issued school certificate that the caste of the Petitioner has been changed from

"Kumbhar" to "Nhavi" under the order of this Court dated 02.05.2024, passed in this Writ Petition No. 3393/2024. The same direction is also issued to Respondent No. 2 – Education Officer.

4. We make it clear that if the Petitioner or his biological brother or any relative approaches the Competent Committee for seeking validity certificate of Nhavi OBC, it would be open to the Competent Committee to follow the due procedure laid down in law and fully investigate the claim in the light of the judgment of the Hon'ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657*, under the The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)