



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

WRIT PETITION NO. 5932 OF 2024

Abhishek Balaji Wagale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Balaji S. Shinde, Advocate for the Petitioner.

Shri P. P. Dawalkar, A.G.P. for the Respondent No. 1.

Shri S. B. Ghute, Advocate for the Respondent No. 2.

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

DATE : 21 JUNE 2024.

FINAL ORDER :

. Heard.

2. The petitioner is seeking correction in the school record of the petitioner in respect of caste.

3. Learned advocate for the petitioner submits that for the time being he is only soliciting directions to the Education Officer for deciding the proposal forwarded to him by the School in the light of clause 26.4 of the Secondary School Code.

4. Having heard both the sides, it appears that the Education Officer has refused to consider the request of the petitioner only on the ground that petitioner having left the school and that

Clause 26.4 of the Secondary School Code does not permit any correction thereafter.

5. Suffice for the purpose to make a reference to the decision of the Full Bench of this Court in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another reported in *2019(6) Mh.L.J. 769*, which comprehends the situation wherein such a proposal cannot be refused on the ground of pupil having left the school. Education Officer does not seem to be aware of the decision and apparently has not undertaken any scrutiny in the light of the decision in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another (supra).

6. Writ petition is allowed. Impugned order/communication of the respondent No. 2/Education Officer dated 27.12.2023 and 05.04.2024 (Exhibit – F) are quashed and set aside. He shall now consider petitioner's proposal afresh, on its own merits and in the light of the decision in the matter of Janabai D/o Himmatrao Thakur Vs. The State of Maharashtra and another (supra). However, he shall not reject it for the reasons mentioned in the impugned communication. The decision shall be taken as expeditiously as possible and in any case within a period of six (06) weeks from today.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]