



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

WRIT PETITION NO. 10419 OF 2024

**JUNED MUJID SHAIKH
VERSUS
CHIEF EXECUTIVE OFFICER AND OTHERS**

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Advocate for the Petitioner : Mr. Sisodiya Ashutosh C.
Addl.GP for Respondents: Mr. S.K. Tambe
Advocate for Respondent No.1 and 2 : Mrs. Yogita Thorat

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 11th NOVEMBER 2024

PER COURT :

. Heard both the sides finally.

2. The petitioner is challenging order dated 09.08.2024 passed by the respondent no.3/Education Officer (Secondary), Zilla Parishad, Nanded as well as order dated 29.08.2024 passed by the respondent no.2/Education Officer (Primary), Zilla Parishad, Nanded.

3. The petitioner is ex-student of a Primary and Secondary School. When he participated in the recruitment process of Police Department and got selected, he realized the mistake which is cropped up in the leaving certificate. The leaving certificate issued by the school concerned shows the column of Religion as 'Nil' and the column of Caste as 'Fakir'. It is the case of the petitioner that he

belongs to Muslim Religion and therefore the leaving certificate is defective. Accordingly the proposals were submitted to the school. The school forwarded the proposals to the respective Education Officers for correction of the school record. Those were rejected only on the ground that the petitioner ceased to be student of the school.

4. Learned Counsel for the petitioner submits that there is voluminous material on record to support his claim. He claims that he belongs to Muslim Religion and from Open Category. Therefore the leaving certificate is defective.

5. Learned Counsel for the respondent would submit that as the petitioner ceased to be the student as per Rule 26.4 of the Secondary School Code, both the authorities have taken a right decision and no interference is called for.

6. It is settled legal position in view of judgment rendered in the matter of **Janabai Himmatrao Thakur vs The State Of Maharashtra And Others** AIR ONLINE 2019 BOM 1055, that though the petitioner ceased to be the student of the school concerned, the Education Officer is entitled to consider the proposal which is reflecting obvious mistake. In that view of the matter, the stand taken by both the authorities below in rejecting the proposal is unsustainable and liable to be quashed and set aside. The respondent no.2 and 3/Education Officers would be at liberty to reconsider the proposal and find out as to whether there is obvious mistake or not.

7. The writ petition is allowed partly.

8. The impugned orders dated 29.08.2024 passed by the respondent no.2/Education Officer (Primary), Zilla Parishad, Nanded and 09.08.2024 passed by the respondent no.3/Education Officer (Secondary), Zilla Parishad, Nanded, are quashed and set aside.

9. The respondent no.2 and 3 shall reconsider the proposal on its own merits in the light of material produced by the petitioner and decide it within period of three weeks and communicate the decision.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..