



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

940 WRIT PETITION NO. 11639 OF 2024

Mohsin Khan Rahim Khan

VERSUS

The State of Maharashtra Through Secretary and others

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Advocate for the Petitioner : Mr. R.J. Nirmal

AGP for Respondent No.1: Mr. S.P. Joshi

Advocate for respondent No.2: Mr. A.R. Nikam

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

**DATED : 17 OCTOBER 2024.**

**PER COURT :-**

The petitioner is challenging the order of respondent No.2 Education Officer (Primary), Zilla Parishad, Parbhani, dated 30.09.2024 (**Exhibit "D"**), whereby his request for change in the caste in the school register has been turned down only for the reason that by virtue of clause 26.4 of the Secondary School Code, 2006, no such change is permissible after the pupil had left the school.

2. In the case of ***Janabai Himmatrao Thakur vs. The State of Maharashtra and others; 2019 (6) Mh.L.J.769***, it has been held that in appropriate cases, such correction is permissible even after the pupil leaves the school. Leaving of the school by the student, cannot *ipso facto* denude the Education Officer of his powers under

that clause.

3. In the light of above, the petition is allowed partly. The impugned order is quashed and set aside with direction to the respondent Education Officer (Primary) to consider the proposal on its own merits afresh and in the light of principles laid down in ***Janabai Himmatrao Thakur (supra)***. The decision shall be taken as expeditiously as possible and in any case within five weeks from today.

**(SHAILESH P. BRAHME, J.)**

**(MANGESH S. PATIL , J.)**

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