



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7498 OF 2023

PETITIONER : Prashant son of Govindrao
Wardekar, Aged about 52 years,
Occupation – Private Job, resident
of 9, Devchhaya, Renukamata Nagar
(West), Hudkeshwar Road, Nagpur.

..VERSUS..

RESPONDENTS : 1 The State of Maharashtra through its
Secretary, Education Department,
Mantralaya, Mumbai.

2 The Education Officer (Primary),
Zilla Parishad, Washim, District
Washim.

3 The Chief Officer, Nagar Parishad
Mangrulpir Marathi Primary School
No.2, Mangrulpir, District Washim.

4 The Headmaster, Nagar Parishad
Marathi Primary School No.2,
Mangrulpir, District Washim.

Mr P. S. Wathore, Advocate for Petitioner.
Ms T. H. Khan, AGP for Respondent No.1.
Mr P. P. Deshmukh, Advocate for Respondent Nos.2 to 4.

CORAM : VINAY JOSHI AND M. W. CHANDWANI, JJ.

DATE : 31st JULY, 2024.

ORAL JUDGMENT : (PER : VINAY JOSHI, J.)

. Rule. Rule made returnable forthwith. Heard finally with consent of learned counsels appearing for the parties.

2. The only grievance made by the petitioner - ex-student is that after lapse of considerable period, he has applied to the School Authority for correction of his caste to the school leaving certificate, which has been rejected by respondent No.2 – Education Officer (Primary), Zilla Parishad, District Washim, *vide* its communication dated 24.07.2023.

3. It is petitioner's contention that mistakenly, at the time of admission, his caste has been referred as "Khanjarbhat" instead of "Thakur", and thus, he has applied for correction. Respondent No.2 - Education Officer (Primary) rejected the petitioner's urge by stating that since petitioner has left the school long back, such application cannot be entertained. The Education Officer (Primary) has referred Rule 26.4 of the Secondary School Code (for short, "the Code"), which according to him, permits the correction only when pupil is studying in the school.

4. On the other hand, Mr Wathore, learned counsel appearing for petitioner, relying on the Full Bench decision of this Court in the case of Janabai D/o Himmatrao Thakur vs. The State of Maharashtra and Ors., (Writ Petition No.8085 of 2017 decided on 17.10.2019), would submit that this Court has categorically ruled that such correction in cases of ex-students can be made, if they fall within the category of “obvious mistakes”, which is a term employed under Clause 26.3 of the Code. We have gone through the decision of the Full Bench of this Court, wherein while answering question No.C, this Court has held as below :

“39(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.”

5. It reveals that this Court in categorical terms had expressed that if error in the name, surname or caste falls within the category of “obvious mistakes”, then it can be corrected even after the student has left school. It is further explained that such

a view would be in consonance with the language employed in Clause 26.3 of the Code.

6. Coming to the facts, the respondent No.2 has merely denied the petitioner's urge stating that after pupil leaving school, such correction is not permissible which is against the decision rendered by Full Bench of this Court. In the circumstances, respondent No.2 – Education Officer (Primary) has to consider the relevant provisions and decide the petitioner's urge on its own merit.

7. In view of above, petition is partly allowed. We hereby quash and set aside the impugned communication dated 24.07.2023. We direct respondent No.2 to consider the petitioner's application for change in caste on its own merit and pass appropriate order as permissible in consonance with the rules and law laid down by Full Bench of this Court within four weeks from the date of the communication of this order.

8. Petition stands disposed of in above terms.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)