



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

987 WRIT PETITION NO. 575 OF 2022

Aishwarya Rudrappa Modhe

VERSUS

The State Of Maharashtra And Others

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

Ms. J. P. Reddy, AGP for Respondents/State

Mr. V. M. Vibhute, Advocate for Respondent No.3

Mr. S. N. Rodge, Advocate for Respondent No.4.

Mr. Vaishali R. Kalyankar, Advocate for Respondent Nos.6 and 7

Ms. Archana S. Jadhavar h/f. Mr. Santosh S. Jadhavar, Advocate for Respondent No.9

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CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.

DATED : DECEMBER 10, 2025

P.C.:

1. The petition is filed being aggrieved by a letter dated 13.08.2018, wherein Education Officer (Primary), Zilla Parishad has refused to correct the school record in view of Secondary School Rules 26.4. It is stated that the correction can be made only when the student is actually taking education in the school. In the present case, the petitioner has left the school on 31.05.2017.

2. It is the case that this petitioner initially was admitted to the School namely "Dnyansudha Prathamik Vidhyalaya, Datta Nagar, Aurangabad" on 13.06.2003. In the record, the caste of the petitioner is written as "Lingder". It is the case of the petitioner that the said writing

was wrongly done. The petitioner in fact belongs to the caste 'Lingayat Wani' which is supposed to be higher caste in OBC. The petitioner relied upon the Leaving Certificates of her real brother, Rutvik Modhe and Aunt, namely, Shobha Modhe.

3. It is further stated that the petitioner herself has obtained Caste Certificate showing her caste to be “Lingayat Wani”, which is supposed to be higher caste in OBC. It is further case that on going through his leaving certificate it was noticed that the caste is wrongly written as “Lingder” in stead of “Lingayat Wani”. The petitioner therefore immediately applied on 01.08.2018 seeking correction, however, the Education Officer refused to do so and thus the petitioner has approached this Court.

4. The learned Advocate for the petitioner vehemently argued the petition. She submits that when there is obvious mistake in the school record the same needs to be corrected. She relied upon the judgment of the full bench of this Court in ***Writ Petition No.8085 of 2017, Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and Ors.***, more particularly, clause-(c) of paragraph no.39, wherein, this Court has answered the questions put forth for consideration before the full bench. This Court in the said clause has held that the application for

change in the name, surname or caste can be corrected, if there is obvious mistake in the said entries. The petitioner therefore submits that in her case, the name of the caste itself is wrongly mentioned as “Lingder” where the petitioner belongs to “Lingayat Wani” community.

5. The petition is opposed by the learned Advocate for Zilla Parishad. He relies upon Clause 26.4 of the Secondary School Rules. He however, fairly concedes the legal provision in view of legal position as laid down by Full Bench of this Court in Writ Petition No.8085 of 2017.

6. This Court find that in view of the above position, the authorities can be directed to decide the representation and consider the matter of correction of entries in the school record in view of judgment in Writ Petition No.8085 of 2017, in accordance with law.

7. With this, Writ Petition stands disposed of.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]