



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11180 OF 2024

Sayyad Maksud Habib

VERSUS

The State Of Maharashtra Through Its Principle Secretary
And Others

Shri S. S. Kurunkar, Advocate for the Petitioner

Shri D. R. Korade, AGP for Respondent Nos. 1 and 2

Shri B. A. Shinde, Advocate for Respondent No. 3

CORAM : S.G. MEHARE &
SHAILESH P BRAHME, JJ.

DATED : JANUARY 21, 2025

PER COURT :

1. Heard both sides finally at the admission stage. Though respondent Nos. 4 and 5 are served, none appeared for them.

2. The grievance of the petitioner is that he submitted an application on 24.09.2024, seeking correction in the primary as well as secondary school record. Instead of religion Muslim, 'Chhaper Band' is recorded in the school record, which is causing hindrance to the petitioner. It is the case of the petitioner that he has convincing evidence to demonstrate that he belongs to Muslim religion and does not belong to Caste

‘Chhaper Band’. However, the respondent Nos. 4 and 5 have not taken cognizance of the application.

3. The respondent Nos. 4 and 5 have to forward the application to the respondent Nos. 2 and 3 and the respondent Nos. 2 and 3 are the authorities to consider, whether it is obvious mistake or not. The respondent Nos. 4 and 5/Authorities cannot reject the claim of the petitioner on the ground that petitioner ceased to be pupil of the concerned school as has been laid down in the matter of *Janabai D/o Himmatrao Thakur Vs. State of Maharashtra and another* reported in *2019(6) Mh.L.J. 769*.

4. We expect that the respondents shall not resort to the reasons that petitioner ceased to be a student of the school concerned in view of settled legal position.

5. We, therefore, dispose of the this petition by directing respondent Nos. 4 and 5 to forward the proposal dated 24.09.2024 to the respondent Nos. 2 and 3 respectively within one week. The respondent Nos. 2 and 3 shall take the decision on its own within further two weeks. Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)