IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 13308 OF 2026

Adinath Chandrakant Jadhav
*VERSUS*
The State Of Maharashtra Through Secretary And Others
...
Mr. Kore Ganesh J, Advocate for the Petitioner
Ms. N.B. Kamble, AGP for Respondents/State
Mr. Suhas B. Ghute, Advocate for Respondent No.3
...
CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.
DATE : 06th OCTOBER 2026

P. C. :-

1. The petitioners submitted two proposals for correction of his caste in the primary and well as secondary school record. Both his requests are turned down. The Education Officer (Primary) has rejected it on the ground that, as per Section 26.4 of the Secondary School Code, 1971, he has no authority to correct the School record of the student who has left the school.

2. The Education Officer (Secondary), though has held that he has the power to correct the school record in terms of Section 26.4 of the Secondary School Code, 1971, he can exercise the said power only in respect of the students who are taking education up to 10th Standard.

**3.** In earlier round of litigation, the petitioner approached this Court by filing Writ petition No.6341 of 2026. This Court disposed of said Writ Petition by directing the Headmaster to prepare a proposal for correction of the caste in the school record of the petitioner and forward it to Respondent No.2-Education Officer (Secondary) and Respondent No.2 was directed to decide it within a period of four weeks. Pursuant to the said order the impugned orders are passed on 18.08.2026 and 17.08.2026.

**4.** This Court has consistently taken a view that merely because the student is no more taking education in the school cannot be a ground to deny a request like one made by the petitioner.

**5.** The case of the petitioner is squarely covered by the Full Bench decision in ***Janabai Himmatrao Thakur vs The State of Maharashtra and Others***, ***AIR OnLine 2019 Bombay 1055***. The relevant direction reads thus:

> *"(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."*

6. It is necessary to mention here that Co-ordinate Bench of this Court in order dated 26.11.2025 passed in Writ Petition No. 14175 of 2025 has made following pertinent observations:

> *"5. Time and again it has come to our notice that in spite of there being a judgment of the Full Bench of this Court in Janabai Thakur (supra) and also several orders thereafter passed by this Court, the officers are repeatedly passing the orders contrary to the said judgment which leads to several litigations being filed in the High Court. We, therefore, feel it appropriate to direct the Principal Secretary of School Education and Sports Department, Mantralaya, Mumbai, to issue appropriate orders there by circulating the above mentioned judgment to all its officers in the department with a clear direction to follow the order in its true letter and spirit. Henceforth, any disobedience of the order is observed or brought to our notice will attract the provisions of Contempt of Courts Act and the Erring Officers will be held in contempt under the said Act."*

7. In the light of above observations, in fact contempt action needs to be initiated against Respondent Nos. 2 and 3. However, by way of indulgence we give one more chance to respondent Nos. 2 and 3 to mend their ways and correct their mistake.

8. In the result, writ petition is allowed.

i. Order dated 17.08.2026 passed by the Education Officer (Primary) and order dated 18.08.2026 passed by the Education Officer (Secondary) are hereby quashed and set aside.

ii. The matter is remanded back to Respondent Nos.2 and 3 who shall carry out the correction sought by the petitioner by keeping in mind the decision in ***Janabai Himmatrao Thakur (supra)*** and directions given by this

Court in Writ Petition No.14175/2025, within a period of eight weeks from the date of receipt of copy of this Order.

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI, J.)

*Narwade*