



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

WRIT PETITION NO. 10080 OF 2025

Hujef Khan Yahya Khan Pathan

VERSUS

The State of Maharashtra and others

Mr. R. R. Kakani, Advocate for petitioner

Mr. A. M. Phule, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 06th January, 2026

PER COURT :-

1. Present petition has been filed for correction of religion and caste in the school record. The petitioner submits that his religion is "Islam" and caste is "Muslim" however, in the school record his religion has been wrongly mentioned as "Muslim" and caste has been wrongly mentioned as "Tadvi". The petitioner has filed school admission extract and School Leaving Certificates of his relatives in which the religion and caste mentioned as Islam and Muslim respectively. But, in the school record of present petitioner, his religion and caste has been wrongly mentioned as Muslim and Tadvi respectively. Respondent No. 2 by impugned order dated 14.07.2025 rejected the application on the ground that the the petitioner is not taking education in the school. The petitioner is relying on the Full Bench decision of this Court in **Janabai Himmatrao Thakur vs. State of Maharashtra and others**, [AIR OnLine 2019 Bombay 1055].

2. We are coming across many such orders, in spite of the decision of this Court in **Janabai Thakur** (supra), stating that the

applicant/petitioner is not taking education in the school and, therefore, the authority has no jurisdiction or power to make changes in the school record. While allowing the present petition, we direct respondent No.1 to apprise the concerned authorities about the Full Bench decision of this Court in **Janabai Thakur** (supra) and not to reject the applications on the ground that the person is not taking education in the school. The interpretation in respect of Rule 26.4 of Secondary School Code has been interpreted by this Court and that interpretation is binding on all the authorities. Even after apprising the authorities by respondent No. 1, if we come across such orders, then this Court will consider such orders as contempt.

3. With these observations, the writ petition stands allowed.

4. Respondent No. 2 is directed to issue order and grant the proposal forwarded by respondent No. 3 dated 10.07.2025 in respect of change in the religion and caste of petitioner in the school record within a period of 15 days from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi