



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

WRIT PETITION NO. 14456 OF 2025

Shaikh Shoeb Shakil Shaikh and another

VERSUS

The State of Maharashtra through the Secretary and others

Mr. Ajinkya S. Deshpande h/f Mr. Amit S. Deshpande, Advocate for
petitioners

Mr. R. S. Wani, AGP for respondent-State

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

DATE : 14th January, 2026

PER COURT :-

1. Present petition has been filed for correction of religion and caste in the school record. The petitioners submits that their religion and caste is "Muslim" however, in the school record their religion was not mentioned and caste has been wrongly mentioned as "Chhapparband". The petitioners' father has filed leaving certificate issued by Zilla Parishad Primary school branch no. 2 wherein the religion and caste mentioned as "Muslim". However, in the school record of present petitioners, their religion was not mentioned and caste has been wrongly mentioned as "Chhapparband". Respondent No. 2 by impugned communication dated 26.09.2025 rejected the application on the ground that the the petitioners are not taking education in the school. The petitioners 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 proposals forwarded by respondent No. 3 dated 07.08.2025 in respect of change in the religion and caste of petitioners in the school record within a period of 15 days from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi