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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6041/2011

Seshrao s/o Bala Bawaskar,
Age : 41 years, Occ. Service
R/o B-2, Sanjay nagar,
Baijipura,
Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
through the Secretary,
Education Department,
Mantralaya, Mumbai
2. The Education Officer (Secondary),
Zilla Parishad, Aurangabad
3. The Head Master,
Zilla Parishad Primary School
Dhawda, Taluka Sillod,
District Aurangabad
4. The Head Master
New High School, Amthana,
Taluka Sillod, District
Aurangabad

..RESPONDENTS

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Mr A.D. Sugdare, Advocate for the appellant;
Mr S.K. Kadam, Asstt. Govt. Pleader for respondent nos.1 and 2

**CORAM: MOHIT S. SHAH, CJ &
B.R. GAVAI, J.**

DATE: 30.08.2011

PER COURT :

1] Since we find that the petition can be disposed of with a direction to the respondent no.2 Education Officer (Secondary), Zilla Parishad, Aurangabad to consider the petitioner's application for change in the school records and since we have not passed any order prejudicial to the interest of respondents no.3 and 4, it is not necessary to issue notice to respondents no.3 and 4.

2] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and taken up for final disposal with the consent of learned counsel for the parties.

3] In this petition under Article 226 of the Constitution of India, the petitioner has prayed for direction to respondent nos.2 to 4 to correct his caste in the school record from Koli to Malhar Koli and to issue appropriate certificate to that effect.

4] The petitioner's application was rejected only on the ground that once a student has completed the studies up to 10th Std., the school authorities have no power to make any correction in the school record unless it is an arithmetical or clerical error.

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5] Similar controversy was the subject of Writ Petition No.4264/2009 and the Division Bench of this Court by its order dated 15.1.2010 considered the relevant Government resolutions and held that even where the students have left the school, correction in the school record can be carried out by the school on receipt of sanction of the appropriate authority. In that case also, the petitioner had requested for change of petitioner's caste in the school record. After hearing the learned counsel for the parties therein, this Court directed the authorities to consider the petitioner's request for correction in the school record.

6] Following the aforesaid decision dated 15.1.2010 in Writ Petition No.4264/2009, this petition is allowed to the extent that the respondent nos.2 to 4 are directed to consider the petitioner's application for correction of his caste after following the procedure prescribed by the Government resolution dated 16.3.1983 read with Appendix VI of the Secondary Schools Code subject to grant of sanction by the appropriate authority. The school record of the petitioner shall be corrected in accordance with the said provisions. Proposal be submitted to the appropriate authority of grant of sanction within four weeks from today. The petitioner will be at liberty to make fresh proposal. On receipt of the said proposal, the appropriate authority shall decide the same as expeditiously as possible and in any case not later than eight weeks from its receipt, on its own merits and in accordance with law. The appropriate authority shall afford an opportunity of hearing to the petitioner and in case any adverse order is passed against the petitioner, the appropriate authority shall record the reasons for such decision. It is made clear that all questions, whether in respect of request for sanction or carrying out correction / amendment in the school

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record, will have to be decided in accordance with law on its own merits.

Rule is made absolute in the aforesaid terms.

(B.R. GAVAI, J.)

CHIEF JUSTICE

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