

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3184 OF 2022

Divisional Controller, M.S.R.T.C.
Ratnagiri

... **Petitioner**

VERSUS

Smt. Manasi Praful Prabhu

... **Respondent**
(Orig. Complainant)

...
Advocate for Petitioner : Mr. Yashodeep Deshmukh a/w Adv. Gurubala
Birajdar

...
CORAM : **SHAILESH P. BRAHME, J.**

DATE : **24.08.2026**

PER COURT :

Heard learned advocate Mr. Deshmukh for the petitioner. None appears for the respondent despite service of notice for final disposal.

2. The petitioner-Corporation is assailing judgment and award dated 21.01.2020 passed in complaint ULP No. 39/2018. Relying on the judgment of Division Bench of our High Court in **Yashwant G. Tambe Vs. Union of India and another; in Writ Petition No. 1401/2009, decided on 18.03.2010, Supreme Court in case of State of Gujarat and others Vs. Vali Mohamed Dosabhai Sindhi; (2006) 6 SCC 537, Vijay Kumar Singh Vs. Union of India; (2014) 16 Supreme Court Cases 460**, it is sought to be contended that error of jurisdiction is committed by the Court in passing the impugned judgment. It is informed by learned counsel that the retiral benefits have already been conferred treating the respondent to have been superannuated on 28.02.2018.

3. A short issue, which is no more *res integra* has fallen for consideration, as to whether modification in the date of birth can be permitted at the fag end of service ?

4. The respondent was appointed on compassionate ground as a junior clerk on 15.06.2007. Her date of birth was recorded to be 23.02.1960. As per record of service, she was to attend age of superannuation on 28.02.2018. She submitted application on 31.01.2018, just before a month soliciting correction in date of birth, relying on birth certificate Exh. U-4/4, indicating date of birth as 23.02.1962. The petitioner issued circular on 11.11.2017 showing the age of superannuation of the respondent as 28.02.2018. Her application seeking correction in the date of birth was rejected on 30.01.2018, which was shown to be cause of action to approach Industrial Court.

5. The respondent was in service from 15.06.2007, but no steps were taken to seek correction in the date of birth. She started making applications from 18.08.2017 seeking correction relying upon the birth certificate issued on 25.12.2016. Her attempt to solicit correction in the birth date commenced when she was at the verge of superannuation. It is impermissible to seek any change in the date of birth at the fag end of the service.

6. Though the birth certificate at Exh. U-4/4 has a probative value, no law is pointed out to permit modification in the date of birth, at the fag end of service on alleged impeachable evidence.

7. The Division Bench of our high Court in **Yashwant G. Tambe (supra)** has dealt with this issue *inter alia* relying upon the judgment of Supreme Court **State of Gujarat and others Vs. Vali Mohd. Dosabhai Sindhi (supra)**. It is laid down that no relief can be granted to such belated claims. Relying on paragraph no. 12 of the judgment, which is squarely applicable to the present case, I am of the view that impugned judgment is

unsustainable.

8. The writ petition is allowed in terms of prayer clause 'A'.
9. There shall be no order as to costs.

(SHAILESH P BRAHME, J.)

mkd/-