

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9168 OF 2014

TUKARAM VISHWANTATH BANSODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Avhad Abhijeet P.
AGP for Respondent State : Mrs.S.A.Dhumal

...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

PER COURT :

Mr.Avhad, learned counsel for the petitioner submits that the tribunal has not considered the school record and the other record placed before it showing the date of birth of the petitioner as 12/10/1959. According to the learned counsel, it was only when at the time the petitioner has been considered for promotion, at that time, he was shown service book and he came to know that his date of birth is wrongly recorded in the service book.

2] According to the learned counsel, there appears to be overwriting in the year of the date of birth of the petitioner. The learned counsel submits that the record has to be corrected in accordance with the documents. There is no single document to show the date of birth of the petitioner as that of 1957 or 1956.

3] Learned AGP submits that the first page of the service book is attested by the petitioner himself and the date of birth is rightly entered as per the instructions of the petitioner only. The tribunal has considered the said aspect.

4] We have considered submissions canvassed by learned counsel for respective parties. The petitioner it appears was appointed as a Muster Assistance in the year 1988. Thereafter, in the year 2002, the employees of Irrigation Department were merged into the Collector office. It appears that the date of birth is recorded in the service book as 12/10/1956. In the judgment of tribunal it is mentioned that the first page of the Service Book shows that date of birth as 12/10/1957. The first page of the service book where date of birth recorded is attested by the petitioner. It would not be possible in the writ jurisdiction to enter into the said dispute as to whether attestation is made properly or not.

5] The petitioner as per the date mentioned in the service book has already mentioned the age for superannuation, no steps were taken for correction of date of birth in the service book earlier, if according to the petitioner it was wrongly recorded.

6] The tribunal has arrived at a plausible conclusion. In the light of that powers in writ jurisdiction under Article 227 of the Constitution of India, cannot be invoked.

7] Writ Petition as such is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

umg/