

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1581/2015

(Shri Bodhraj s/o Nathhuji Moon vs. Deputy Director of Education and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. Y.J.Maheshwari, Advocate for the petitioner
Miss T.Khan, Asst. Govt. Pleader for Respondents 1 & 3

**CORAM : SMT. VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.**

DATED : 9th September, 2015.

Heard.

By this petition, the petitioner seeks a direction to the respondents to consider and decide the petitioner's claim for correction of date of birth from 13.3.1957 to 11.8.1958, before 31st March, 2015.

The petitioner was working as a Lecturer in the respondent no.2-College and was to retire on attaining the age of superannuation, as per his service record on 31st March, 2015. In the service record, the date of birth of the petitioner was recorded as 13.3.1957. According to the petitioner, he had been to his village i.e. Manori recently, after past several years and, in a function, he happened to meet one Prabhakar Tamgadge, the son of the then *Kotwal* of the village who had recorded the petitioner's birth details in the '*Kotwal panji*'. According to the petitioner, the petitioner was advised by the son of the *Kotwal* to secure the

relevant part of the *Kotwal Panji* as the date of birth of the petitioner is 11.8.1958 and not 13.3.1957.

The respondent nos. 1 and 3 have filed the affidavit-in-reply. It is stated on behalf of the respondents that in the *Kotwal Panji* register of the year 1958, it is recorded that a female child was born to Natthu, the father of the petitioner and the date of birth of the female child, is mentioned as 11.8.1958. It is stated that the petitioner cannot get his date of birth corrected in the Service Book in view of the provisions of Rule 38 of the Maharashtra Civil Services (General Conditions of Service) Rules, 1981. It is stated that normally an application for alteration of age shall not be entertained after a period of five years from the entry of the employee in the Government service.

The learned counsel for the petitioner states in reply, that only one child was born to his father and he being the petitioner, the entry made in the *Kotwal Panji* register that a girl child was born on 11.8.1958 needs to be corrected.

In the circumstances of the case, we decline to entertain the Writ Petition in respect of the relief sought by the petitioner in the instant petition. The case of the petitioner that recently he was informed by the son of the *Kotwal* that he was born on 11.8.1958 and not on 13.3.1957 does not appear to be credible. Several disputed questions of facts arise for determination in this Writ Petition. It is also asserted

by the respondents that on 11.8.1958, a girl child was born. If the petitioner is still interested in seeking a declaration that his date of birth is 11.8.1958, the petitioner is free to approach the Civil Court, against the employer.

In the circumstances of the case, we dismiss the Writ Petition with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE

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