

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

WRIT PETITION NO.5140 OF 2016

Narayan s/o. Vishwanath Kadam,
Age:57 years, Occ. Service,
R/o. House No.33, Drongiri Nagar,
Hadgaon, Tq. Hadgaon,
Dist. Nanded

..Petitioner

Vs.

The State of Maharashtra,
Through Secretary,
School Education and Sports
Department, Mantralaya
Mumbai and ors.

..Respondents

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Mr.D.M.Shinde, Advocate for petitioner
Mr.M.M.Nerlikar, AGP for respondent nos.1 and 2
Mr.V.D.Gunale, Advocate for respondent no.3
Mr.A.S.Barlota, Advocate for respondent no.4

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : NOVEMBER 16, 2016**

PER COURT :

Heard.

2. The petitioner is praying for issuance of directions to the respondents to consider the application tendered by him for effecting change in the date of birth recorded in his service book.

3. The petitioner is employed in a private school and is on the verge of retirement. According to the petitioner, the date of birth recorded in his service-book as 15.11.1958, is erroneous and the same is required to be corrected as 15.11.1959. The application tendered by the petitioner on 10.03.2016 for change in the date of birth has not yet been decided by the respondents/authorities.

4. The petitioner was employed in the year 1986 and is due to retire in the month of November, 2016. The petitioner tendered the application to the respondents/authorities seeking correction in the date of birth in service-book belatedly i.e. in the month of March, 2016.

5. In view of the Bar contained under Rule 67.6 of the Secondary School Code read with Annexure 53, the change, if any, in the entry regarding the date of birth, shall be carried out

within a period of two years from the date of the initial appointment of an employee. Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981, also prescribe the limitation of five years from the date of initial entry of an employee in the employment, for effecting change in the entry regarding the date of birth in the service-book.

6. In view of the above, the application tendered by the petitioner for recording change in the service-book regarding his date of birth belatedly i.e. contemplation of his retirement within few months, need not be directed to be considered.

7. The Writ Petition is devoid of substance and as such, stands rejected.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]