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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 2309 OF 2016

Shri Tanaji Jagannath Wadekar ... Petitioner
Vs.
Bhartiya Jain Sanghatana
Education Society, Pune & Ors. ... Respondents

Mr. Uday Warunjikar a/w Ravindra Pachundkar, for the Petitioner.
Mr. R. D. Soni a/w V. R. Kasle i/b Ram & Co., for Respondent No. 1.
Ms. Gauri Rao, AGP for Respondent Nos. 3 to 5.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.
DATE : FEBRUARY 26, 2016

PC.

1. Heard the learned counsel appearing on behalf of the
Petitioner. By this petition, which is filed under Article 226 of the
Constitution of India, Petitioner is seeking an appropriate writ, order
and direction, directing the Respondent to correct his birth date in the
service book as 11.2.1969 instead of 1.3.1958. Petitioner is further
seeking grant of consequential benefits, which became available to the
him, on account of change of birth date. The learned counsel
appearing on behalf Petitioner submitted that in the original birth

certificate, the date of birth was 11.2.1959. However, in the school record inadvertently the date was shown as 1.3.1958. It is submitted that Petitioner's mother – Hausabai Jagannath Wadekar, filed an affidavit dated 9.9.1978 in which she has stated the correct date as 11.2.1969. It is submitted that similarly the Petitioner has made a representation for changing the date of birth in the service record, but no decision was taken by the Respondent.

2. It is well settled position in law that application for change of birth date has to be filed within five years from the date of initial appointment. The Apex Court has also held that any application filed after that date shall not be entertained.

3. We are of the view that this petition is filed at a belated stage, when the petition is about to retire on 29.2.2016, and as such, on account of delay and laches, it will not be possible to grant any relief to the Petitioner. Pending representation of the Petitioner shall be decided by the Director of Education expeditiously. Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-
[REVATI MOHITE DERE, J.]

Sd/-
[V. M. KANADE, J.]