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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8465 OF 2015

Ajinkya Sunil Jadhav

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. B.V. Salunke for the petitioner.

Mr.Vikas Mali, AGP for the State.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 05, 2016.

P.C.

Parties through their counsel.

2. The petitioner claims that his actual date of birth is 26.5.1993 as recorded by the State Government in his birth certificate Exh. A. His grievance is that in the school leaving certificates at Exh. B and C, his date of birth has been wrongly recorded as 26.5.1994. It has been argued by the learned counsel for the petitioner that for seeking correction in regard to the petitioner's date of birth in the school leaving certificates at Exh. B and C, the petitioner had approached respondent nos. 3 and 4 by filing application dated 16.7.2015 at Exh. A. On receipt of the said application, respondent

no. 4 has informed vide communication dated 23.7.2015 that the date of birth of the petitioner recorded in the school leaving certificate cannot be changed as the petitioner now is not studying the school and once the school is left by the student, no correction is permissible.

3. Learned counsel for the petitioner submits that when the date of birth has been recorded as per Exh. A (birth certificate), the same should have been corrected by the respondent nos. 3 and 4 and the correction could not have been denied for the reasons as mentioned in the said communication dated 23.7.2015. In support of his contention, the learned counsel for the petitioner has placed reliance on the Judgment of Division Bench of this Court dated 23.9.2010 passed in Writ Petition No. 7126 of 2010 in the case of Sakshi Sharad Gaikwad Vs. State of Maharashtra.

4. We have heard learned counsel for the parties and perused the documents as also the judgment on which reliance has been placed by the petitioner. Having considered the submissions of the parties, we find that in the birth certificate, the date of birth of the petitioner has been mentioned as 26.5.1993. In the circumstances, respondent nos. 3 and 4 ought to have corrected the same and refusal of correction on the ground that the petitioner has left the

school can not be sustained. This court in the case of Sakshi Sharad Gaikwad Vs. State of Maharashtra (supra) has recorded a categorical finding to the effect that the Authority cannot refuse to exercise jurisdiction vested in it only on the ground that the petitioner had made an application for correction on the date of birth after leaving the school, without considering the birth certificate issued in his favour.

5. In the circumstances, we dispose of this petition by directing respondent nos. 3 and 4 to correct the petitioner's date of birth in Exh. B and C so as to make it in conformity with the date of birth mentioned in Exh. A (birth Certificate). Let this be done within four weeks from the date of receipt of copy of this order.

6. With the above directions, the Petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)