

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 988 OF 2016

(Suresh Singh s/o Ramsingh Chouhan Vs. The State of Maharashtra & others)

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

Court's or Judge's orders

Mrs. R. D. Raskar, Advocate for the petitioner.

**CORAM : B. R. GAVAI AND
P. N. DESHMUKH, JJ.
DATED : 22 FEBRUARY, 2016**

The petition challenges the judgment and order dated 08/12/2015 passed by the learned Maharashtra Administrative Tribunal thereby rejecting the original application filed by the petitioner.

The petitioner had filed the original application before the Tribunal for direction to the respondent-employer to change his date of birth mentioned in his service book from 22/11/1957 to 22/11/1958.

Though the petitioner entered into service in the year 1979, the application for rectification was made in the year 2014.

The original application filed by the petitioner has been rejected on the ground that it was filed much belatedly.

Mrs. Raskar, learned Counsel for the petitioner submitted that the relevant date is date of knowledge. She submitted that since the petitioner came to know for the first time about his correct date of birth in the year 2014, the period ought to have reckoned from the date of knowledge.

By now, the law is well settled. The application for correcting the entry has to be made within a period prescribed in the Maharashtra Civil Services (General Conditions) Rules or within a reasonable period, which has been considered to be within three to five years from the date of entry of the employee in Government service.

Insofar as the Rules, which are applicable to the petitioner are concerned, the period of filing an application for modifying the entry in the service book is five years. In that view of the matter, we find no error in the approach adopted by the learned Tribunal. No interference is warranted in the impugned judgment and order. The writ petition is, therefore, rejected.

JUDGE

JUDGE