

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3050/2016

(INDAL SHYAMLAL SURYAWANSHI **VERSUS** DIRECTOR (IR), W.C.L., NAGPUR & ANOTHER)

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

Court's or Judge's orders

None for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 05, 2016.

By this writ petition, the petitioner seeks a direction not to retire the petitioner from service with effect from 30.11.2016 on the basis of the notice for retirement, that is based on the wrongful recording of the date of birth of the petitioner.

The petitioner was appointed as a Mazdoor by the respondents on 24.11.1980 and according to the petitioner, his date of birth is 06.06.1963. According to the petitioner, the date of birth of the petitioner is wrongly recorded in the service record as 24.11.1956. It is the case of the petitioner that the date of birth of the petitioner is 06.06.1963 and not 24.11.1956 and, hence, the petitioner could not be retired from service on 30.11.2016 on the basis of the wrongful entry in the service record. It is averred that after becoming aware of the wrongful recording of the date of birth in the service record, the petitioner made an application for correction of the date of birth. The petitioner has annexed some documents to the writ petition to substantiate his case that his date of birth is 06.06.1963 and not 24.11.1956. Since the respondents did not correct the service record of the petitioner, the petitioner has approached this Court, challenging the notice of retirement.

The issue involved in this writ petition cannot be decided in exercise of the writ jurisdiction. The date of birth of the petitioner is recorded as 24.11.1956 in the record of the respondents. The petitioner did not seek the correction of the

service record till the fag end of his service. Certain documents are placed before this Court to prove that the date of birth of the petitioner is 06.06.1963 but, it would not be proper for this Court to decide an age row in exercise of the writ jurisdiction. If the petitioner is desirous of seeking a decision-declaration in regard to his date of birth and/or the change of the entries relating to his birth in the service record, the petitioner is entitled to seek a reference of the dispute to the C.G.I.T. Since several disputed questions of facts would arise for determination in this writ petition, we are not inclined to entertain the same.

For the reasons aforesaid, 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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