

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

WRIT PETITION NO. 2347 OF 2017

Manik Gangaram Jogdand .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. D. Thorat, Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 21ST FEBRUARY, 2017.

PER COURT :

. Mr. Thorat, the learned counsel for the petitioner submits that, the entire record shows the date of birth of the petitioner as 06.06.1953. The office wrongly entered the date of birth of the petitioner as 06.06.1950 in the service book. The learned counsel submits that, the office has committed a mistake that is why the petitioner moved in the year 2007 for correction of the said entry. According to the learned counsel the Tribunal did not consider that the entire record of the petitioner shows his date of birth as 06.06.1953. For the fault of the department, the petitioner should not be made to suffer.

2. We have heard the learned Assistant Government Pleader

also.

3. The petitioner had joined the service with respondents on 09.07.1973. His date of birth was recorded in the service book at the relevant time as 06.06.1953. For the first time, the grievance was made by the petitioner in January and March 2007. Said request of the petitioner was rejected on 07.06.2008 itself, as it appears from the observations of the Tribunal. The petitioner has filed original application in the year 2015 after the petitioner retired in the year 2008. It is also observed by the Tribunal that, the petitioner suppressed the fact that, his request was rejected on 07.06.2008 itself. The original application before the Tribunal is filed seven years after retirement of the petitioner. The Tribunal has considered the provisions of the Maharashtra Civil Services Rules, so also rejection of the request of the petitioner for correction of the date of birth in the service book in the year 2008 itself. In view of that, no case for interference is made out. The writ petition is dismissed. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]