

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

WRIT PETITION NO.2311 OF 2017

Smt. Arti Ajay Joshi ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

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Mr.A.R.Syed, Advocate for petitioner

Mr.A.A.Jagatkar, AGP for respondent no.1

Mr.D.S.Bagul, Advocate for respondent nos.2 and 3

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 20, 2017

PER COURT :

Heard.

2. The application filed by the petitioner seeking appointment on compassionate ground has been rejected by the respondent/authority on the ground that the petitioner has crossed 45 years of age as per the date of birth entered in her school record.

3. The learned Counsel for the petitioner submits that the date of birth of the petitioner recorded in the school record is incorrect. He submits that the date of birth of the petitioner registered as per the provisions of the Registration of Births and Deaths Act, 1969 ("the Act", for short) with the Dharangaon Municipal Council as 28.09.1971 is correct. As per the said date of birth, the petitioner has not completed 45 years of age on the date of application for appointment on compassionate ground.

4. The learned Counsel for respondent nos.2 and 3 submits that the petitioner herself, in the application and affidavit, has stated that she is 45 years of age and the school record was annexed showing the date of birth of the petitioner as 29.05.1970. According to the learned Counsel for respondent nos.2 and 3, the application of the petitioner has been rightly rejected.

5. The presumption attached to the birth certificate issued under the Act is available only after it is shown that the entry recorded in the said certificate was as per the procedure laid down therein. The school record of the petitioner shows the date of birth recorded as 29.05.1970. Considering the same, even if the petitioner's application is considered, the petitioner has to be placed in the wait list of the persons for appointment on compassionate ground and by the time, turn of the petitioner for appointment comes, if the petitioner crosses 45 years of age, on that count also, the petitioner would be ineligible.

6. Be that as it may, the respondents may reconsider the application of the petitioner for appointment on compassionate ground on the basis of the documents i.e. school leaving certificate so also the birth certificate issued under the provisions of the Act, and decide the same on its own merits expeditiously.

7. The Writ Petition stands disposed of
accordingly. N o costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

kbp