

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1242 OF 2005
WITH
NOTICE OF MOTION NO. 532 OF 2006

Mr.Narayan Mahadeo Kondkar .. Petitioner

Vs.

Municipal Corporation of Greater
Mumbai .. Respondent

Ms.Vidula Patil i/b Mr.Prakash S. Devdas, for the Petitioner.
Mr.H.C. Pimple, for BMC.

CORAM : A.A.SAYED AND
M.S.KARNIK, JJ.

23rd JUNE, 2017

P.C. :

1. The petitioner joined the service of the respondent – Corporation as a 'Drainage Boy' on 16/04/1964. He belongs to Scheduled Caste. In 1972, he was absorbed as Adult Worker. At that time, the petitioner had submitted his school leaving certificate which according to him reflected his date of birth as 01/06/1949. In December 1990, the petitioner was promoted as 'Mukadam'. It is the case of the petitioner that it was only on

15/10/2004 he learnt that his date of birth has been wrongly recorded as 25/03/1947 instead of 01/06/1949 as appearing in his school leaving certificate. Therefore, on 30/10/2004, the petitioner made a representation to the Assistant Municipal Commissioner along with his school leaving certificate and other documents showing his actual date of birth as 01/06/1949 and sought correction in his date of birth. As per the affidavit-in-reply of the Respondent – Corporation, the said representation was rejected on 29/03/2005. It is admitted position that from 01/04/2005 the petitioner had superannuated on the basis of his date of birth as recorded by the Respondent – Corporation.

2. The petitioner has approached respondent No.1-Corporation for change in his date of birth at the fag end of his service and is claiming monetary benefits on the basis that he would have continued in service had his date of birth been corrected. It is well settled position in law that correction in the official records must be made within a reasonable period if no time limit is prescribed in the rules. We have however not been

shown any rules in this regard by the learned Counsel for the petitioner. In the case of **State of Haryana Vs. Satish Kumar Mittal and anr. (2010) 9 Supreme Court Cases 337**, it has been held by the Supreme Court that the belated request for change in date of birth at the fag end of the service of an employee ought not to be entertained.

3. In view of the law laid down by the Supreme Court, no reliefs can be granted to the petitioner. The judgment in the case of **Iswarlal Mohanlal Thakkar Vs. Paschim Gujarat Vij Co. Ltd. and anr., MANU/SC/0329/2014** relied upon by the learned Counsel for the petitioner is of no avail as in that case, the Labour Court had recorded a finding that the petitioner therein had approached the Court within a reasonable time.

4. In the circumstances, the Petition is dismissed. Rule is discharged. No order as to costs.

5. In view of dismissal of the Writ Petition, Notice of

Motion No. 532 of 2006 does not survive and to stand disposed of.

(M.S.KARNIK, J.)

(A.A.SAYED, J.)