

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

WRIT PETITION NO. 2427 OF 2017

ABDUL GANI SULTANA W/O ABDUL GANI ABDUL AZIZ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Rakhunde Pravin B
AGP for Respondents : Mr. S N Morampalle
Advocate for Respondent 3 : Mr Mukhedkar Amit A.,
Mr Y K Bobade h/f A B Shinde For R/4.

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CORAM : V.K. JADHAV, J.

Dated: January 31, 2018

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PER COURT :-

1. Heard finally with the consent at admission stage.
2. Being aggrieved by the order of disqualification passed by the Additional Collector, Nanded against the petitioner on the ground that he has a third child born after the cut-off date and, said order is confirmed by the Additional Commissioner, Aurangabad, this writ petition has been preferred.
3. Learned counsel for the petitioner submits that, the Village Development officer of village Kerkheli, Tq. Dharmabad, District Nanded has issued a certificate

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dated 8.7.2015, specifying therein that there is no third child born to the petitioner after the cut-off date i.e. 13.9.2001. Learned counsel submits that, the authorities below have not considered the same. Learned counsel submits that, the respondent/original complainant has produced before the authorities uncertified copies of the admission extract of the school and without verifying the record of the school, the authorities below blindly believed those admission extracts of the school and accordingly disqualified the petitioner.

4. Learned counsel for the respondents submits that, as per the certificate issued by the Village Development Officer, Gram Panchayat office Kerkheli, Tq. Dharmabad, District Nanded dated 2.5.2016, there is no entry in the birth and death register of the Grampanchayat in respect of the any of the child of the petitioner. Petitioner has not disputed that he is having three children, however, it is pertinent to note that, there is absolutely no entry in the birth and death

register in respect of any of the child of the petitioner. Learned counsel submits that, respondent no.3 has produced certified copies of admission extract of the school of three children before the authorities below and on going through those extracts, the Additional Collector, Nanded has observed in the impugned order that, two children out of three of the petitioner born after the cut-off date. Learned counsel submits that, the certificate dated 8.7.2015 has been rightly discarded by the authorities below. Since there are no entries in the birth and death register of the village in respect of any of the child of the petitioner, the Village Development officer has issued said certificate by saying that there is no third child born to the petitioner after the cut-off date. Same Village Development Officer has issued the certificate stating therein that there is no entry about any of the child of the petitioner in the birth and death register. Thus, the authorities below have rightly considered the school admission extract and disqualified the petitioner. There is no substance in the writ petition. Writ petition is liable to be dismissed.

5. On careful perusal of the impugned orders and the documents submitted alongwith writ petition and also by the respondents, it appears that, the petitioner has not requested the Village development Officer to take entries in the birth and death register of any of his child, though he is having three children. Consequently, respondent has obtained the school admission extract from the school. On perusal of the copies of those extracts, it appears that, two out of three children of the petitioner born to him after the cut-off date. So far as the certificate issued by the Village Development Officer Gram Panchayat, Kerkheli dated 8.7.2015 is concerned, that has been issued on the basis of the available record. Same Gramsevak has issued another certificate stating therein that there are no entries in respect of any of the child of the petitioner in the birth and death register. Thus, as per the record, he is bound to issue certificate that no third child born to the petitioner after the cut-off date. In absence of any entry in the birth and death register, the authorities below have rightly relied upon the school admission extract. I find no fault

in the impugned order. There is no substance in this writ petition. Hence, following order.

O R D E R

Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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