

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13344 OF 2017**

Pandharinath Jagdevrao Yadav
Age 51 years, Occ: Service,
Residing at Maniratna Complex,
C-03/19, Taware Colony,
Pune-411 009

.. Petitioner

Vs.

- 1 The State of Maharashtra through
The Secretary, Home Deptt.
Mantralaya, Mumbai -400032
- 2 The Principal Secretary,
General Administration Deptt.
Maharashtra State, Mantralaya,
Mumbai -400032
- 3 The Secretary,
Accounts and Treasury,
Mantralaya, Mumbai

.. Respondents

....

Ms. Ranjana Todankar Advocate for Petitioner
Mr. O.M.Kulkarni AGP for Respondents

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATED : JANUARY 11, 2018

JUDGMENT [PER SMT. V.K.TAHIRAMANI, ACJ.]:

- 1 Heard the learned counsel for the petitioner, the

learned AGP for the Respondents. Rule. By consent of the parties, Rule is made returnable forthwith and the matter is heard finally.

2 The petitioner has preferred this petition being aggrieved by order dated 18.12.2012 passed by the Maharashtra Administrative Tribunal (for short “the Tribunal”) in Original Application No. 478 of 2011 which was preferred by the petitioner. In the said Original Application the petitioner had prayed for change of his date of birth from 1.6.1962 to 4.1.1964. By the said order, the said Original Application came to be dismissed.

3 The learned counsel for the petitioner submitted that the petitioner had made an application for change in date of birth on 4.6.1996 which was within a period of three years of his joining service. It is pointed out that the same is also clear from the office record. Learned counsel for the petitioner further submitted that the name of the petitioner's father was changed to “Yadav” instead of “Daund” and change of name was gazetted in the Government Gazette on 3.5.1962. Heavy

reliance was placed on the Birth Certificate mentioning date of birth as 4.1.1964, which, according to Ms. Todankar, ought to be taken into account for the purpose of correcting the date of birth of the petitioner.

4 Per contra, the learned AGP submitted that as per the Govt. Resolution dated 3.3.1998 the employee's own name including father's name and surname should be correctly mentioned in the Birth Certificate. He pointed out that the petitioner's name is shown as Pandharinath Jagdevrao Yadav in the application made by the petitioner as well as in the Service Book as well as in the School Leaving Certificate. However, the Birth Certificate shows the name as Pandharinath Jagannath Babaji Daund. Learned AGP submitted that if the petitioner's father had changed his name to Yadav which was gazetted in the year 1962 as contended by the learned counsel for the petitioner, then the petitioner's Birth Certificate which was issued in the year 1964 also should have been in the name of Yadav. He submitted that there is absolutely no explanation as to why the petitioner's Birth Certificate shows the name of the father of the petitioner as Jagannath Babaji Daund whereas

petitioner's father's name, according to the petitioner, was changed to Yadav in the year 1962 which was also, according to him, gazetted in the year 1962. Learned AGP Shri. Kulkarni submitted that the petitioner's name is shown as Pandhrinath Jagdevrao Yadav in other documents whereas in the Birth Certificate which was being relied upon for change in the date of birth of the petitioner, the father's name is shown as Jagannath Babaji Daund. He submitted that in the light of all the above facts, the respondents by their letter dated 4.3.2011 had declined to correct the date of birth of the petitioner to 4.1.1964 instead of 1.6.1962.

5 It is clear from the record that the petitioner while joining Government Service in the year 1993 had clearly mentioned the date of birth as 1.6.1962. The date of birth which is reflected in the School Leaving Certificate of the petitioner, is 1.6.1962. In the School Leaving Certificate the petitioner's name is shown as Pandhrinath Jagdevrao Yadav whereas, now the petitioner is seeking to rely upon the Birth Certificate showing the date of birth as 4.1.1964 in which his name is shown as Pandhrinath Jagannath Babaji Daund. It is

the categorical case of the petitioner that his father's name was gazetted as Yadav in the year 1962. If that be so, it is strange as to how the Birth Certificate dated 4.1.1964 shows the father's name as Shri. Jagannath Babaji Daund, whereas, instead of "Daund" it should have been "Yadav". The Birth Certificate shows the name of father of the petitioner as Jagannath Babaji Daund whereas, the petitioner's father's name is Jagdevrao Yadav. The Tribunal has considered all these aspects and observed that there are too many discrepancies which are not properly explained, observing thus, the Tribunal dismissed the Original Application.

6 In view of all the above facts, we are of the opinion that no error can be found in the order of the Tribunal, hence, we are not inclined to interfere, hence, Rule is discharged. Petition is dismissed.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE