

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
17 WRIT PETITION NO.1727 OF 2018**

JANABAI BHANUDAS GADADE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ramchandra J. Nirmal, Advocate for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 10th APRIL, 2019.

PER COURT:-

1. The petitioner is challenging the order dated 26.12.2017 passed by the Education Officer thereby rejecting the application for considering the application for change of date of birth. The petitioner also challenges the order passed by respondent no.4 dated 16.01.2018 and 30.01.2018 holding that the petitioner is not eligible to be considered for the post of Police Patil. The petitioner was held ineligible for the oral interviews to be conducted.

2. As far as the prayer challenging the order dated 16.01.2018 and 30.01.2018 holding the petitioner ineligible for the oral interview of the post of Police Patil, the same needs no consideration with us. As per the school record the petitioner on that day was not eligible. More over, the petitioner has remedy before the

Maharashtra Administrative Tribunal in that regard. In view of that we are not considering the said prayer clause.

3. As far as the prayer to the extent of order passed by Education Officer is concerned, it would appear that it is not the case of an inordinate delay. The Education Officer has returned the proposal under the impugned order.

4. The school that is respondent no.5 shall forward the proposal of the petitioner seeking correction of the date of birth in the school record to the Education Officer afresh within a period of four weeks from today. The petitioner shall communicate this order to respondent no.5. The Education Officer shall thereafter consider the proposal on its own merits and as per the procedure laid down in Clause 26.4 of the Code of Secondary School read with Appendix 6 and decide it on its own merits and in accordance with law. It shall not be rejected only on the ground that the petitioner has left the school.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE