

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

901 WRIT PETITION NO.2572 OF 2014

**DR. ASHOK BHUJANGRAO RODGE
VERSUS
THE PRESIDENT, DESPUTE REDRESSAL COMMITTEE AND VICE
CHANCELLOR AND OTHERS**

...
Advocate for Petitioner : Mr. P.S. Paranjape
AGP for Respondent/State : Mr. A.V. Deshmukh
Advocate for Respondents 1 to 3 : Mr. M.N. Navandar
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.
DATED : 07/03/2019**

ORDER :

1. The petition is filed for setting aside the communication of respondent employer that the date of retirement due to superannuation of the petitioner would be fixed on the basis of date of birth as 13.7.1954 and the date of retirement cannot be on the basis of date given by petitioner as 13.7.1957. Both the sides are heard.

2. The petitioner was working as Associate Professor with a college affiliated with respondent University. When he joined the service, the date of birth was given by him as 13.7.1954. It is his contention that within period of five years he

gave correct date of birth and so, his Principal corrected the date as 13.7.1957. It is contended that in the past in rural area, there was the practice of giving year or date to the registering authority under the Registration of Birth and Death Act approximately to see that the child can be admitted as early as possible in the school. It is contended that due to such practice the date was probably given of the 1954. It is his contention that in 1985 after verifying the Village Panchayat record, Sarpanch of the Village issued a certificate of date of birth to show that he was really born on 13.7.1957 and not on 13.7.1954 as appearing in the school record. It is contended that as the date was corrected within the period of five years by the Principal, the date of his retirement due to superannuation ought to have been fixed on the basis of this date.

3. This Court has carefully gone through the record on which the petitioner is placing reliance. One certificate is shown to be issued by Village Sarpanch on 13.2.1985 showing the date of birth as 1957. Village Sarpanch is not the authority under the Registration of Birth and Death Act. One more certificate was produced by him shown to be issued by Village Development Officer shown to be issued in the year 2010, but he is also not

the authority under the aforesaid Act to issue such certificate or to maintain the record. In view of these circumstances and as the petitioner is claiming that his correct date was registered as per the aforesaid Act, this Court had given direction to District Collector, Parbhani to make enquiry into the matter and submit the report about the existence of record, if any, in favour of the petitioner. The District Collector appointed Additional Chief Executive Officer, Zilla Parishad, Parbhani to make enquiry. The said Officer made enquiry with everybody of the village. Report shows that in the Village Panchayat Ravalgaon, there is record of available starting from year 1969 as such authority was given to Gramsevak from that year. As per this report, prior to 1969 Tahsildar of village Pathri was the authority to register the incidents of birth and death. With that office also, there was no record of 1954 or 1957. Thus, no record of date of birth of petitioner was available at any place. But, aforesaid two certificates are produced by the present petitioner and they are used. Admittedly, in the school record, the date of birth was given as 13.7.1954 and only on the basis of gazette created by the present petitioner regarding change of date, the Principal had made such change in service record. The first record of the school also shows that the date of birth was informed as

13.7.1954 and all that record is collected by the Enquiry Officer appointed by the learned Collector. Thus, there is no material with the petitioner to show that he was born in the year 1957 and on the contrary, there is record to show that he was using the birth date of 1954. As he has used the record like false certificates which were apparently procured by him, action needs to be taken against him for creation of such false record and for use of such false record in this Court. So, the following order.

O R D E R

1. Petition stands dismissed.
2. Registrar Judicial is to depute one officer for giving F.I.R. against the petitioner and also the persons like Sarpanch and Village Development Officer who had issued certificates of birth date in favour of the petitioner.
3. Copies of the certificates of 1985 issued by Sarpanch and of 2010 issued by Village Development Officer are to be supplied to police along with the report.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

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