

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

908 WRIT PETITION NO.6081 OF 2019

TRAMBAKRAO BALAJI GAIKWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Sk. Ashraf Patel h/f Mr. Abhijeet P. Avhad,
Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 04th JUNE, 2019.

PER COURT:-

1. Mr. Patel, learned counsel for the petitioner submits that the respondents have not considered the application of the petitioner for correction of date of birth in service record in its correct perspective. It is only in the month of April the petitioner could get the old record suggesting his date of birth as 09.02.1963 and as such, the petitioner came to know that there is mistake in his date of birth recorded in the service book. The date of birth in the service book is recorded as 01.06.1961. Immediately on getting knowledge that date of birth is wrongly recorded, the petitioner moved an application on 18.04.2019 for correction of date of birth. The learned counsel submits that the date of birth in the service record is required to be corrected accordingly.

2. The date of birth cannot be allowed to be corrected after five years of joining the service as per the relevant MCS Rules. More over, the petitioner was due to retire on 30.05.2019 and for the first time application was made for correction of date of birth on 18.04.2019 that is a month prior to his retirement. The school record of the petitioner records date of birth as 01.06.1961. There is no authenticate document suggesting the date of birth as 09.02.1963. The document Namuna No.14 cannot have a presumptive value, though the same is said to have been issued as per the Birth and Death Registration Act. The presumption cannot arise unless all the ingredients as required under the said act are complied with. The certificate does not give the details as to who has communicated the birth of the petitioner nor other details are appearing. More over, the said document is said to have been issued in the year 1987 and the same was submitted in April 2019 to the authority.

3. For all the aforesaid reasons, the petition is dismissed. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE