

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 423 OF 2019

PANDURANG N. NAIK.,

... Petitioner

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 2 ORS.,

... Respondents

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate
for the Petitioner
Mr. D. Lawande, Advocate General with Mr. A. Jamadar, Addl.
Government Advocate for the Respondents.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 30th April 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks a writ of certiorari by quashing and setting aside the order dated 02.04.2019 and the Memorandum dated 18.12.2018 and seeking directions to the Respondents not to relieve the Petitioner on 30.04.2019 and to continue him in service till 31.05.2020.

2. It is not in dispute that the Petitioner has submitted the leaving certificate dated 14.06.1977 in support of proof of date of birth which mentions the date of birth as 07.04.1959, which was taken into consideration and the date of birth was accordingly

entered in the service records.

3. It is the case of the Petitioner that the date of birth mentioned in the school leaving certificate was wrongly mentioned as against the corrected date of birth which is 19.05.1960. The learned Senior Counsel for the Petitioner submits that if the corrected date of birth is considered, the Petitioner would be due to retire on 31.05.2020 and not today.

4. The application of the Petitioner for correction of date of birth is rejected on the ground that the Petitioner did not apply for alteration of date of birth in accordance with the Goa State Civil Service (Retirement) Rules, 2000 within five years from the date of entry in Government service. The learned Senior Counsel does not dispute that her client did not apply for alteration of date of birth within five years from the date of entry in Government service. We are thus not inclined to grant any reliefs in favour of the Petitioner.

5. The writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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