

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 5973 OF 2017

Sunanda Dnyaneshwar Maske ... Petitioner

V/s.

Zilla Parishad, Solapur & Anr. ... Respondents

Mr. S.S. Patwardhan for the Petitioner.
Mr. A.S. Kulkarni, for the Respondent Nos. 1 and 2.

**CORAM : RANJIT MORE, &
SMT. BHARATI H. DANGRE, JJ.
DATE : 14th JANUARY, 2019**

P.C.:

1. Heard Mr. S.S. Patwardhan, the learned Counsel for the Petitioner and Mr. A.S. Kulkarni, the learned Counsel for the Respondent Nos. 1 and 2.
2. This petition is filed seeking direction to the Respondent No.2 Education Officer, (Primary) to withdraw the order dated 01.10.2016 and for further direction to Respondent No.2 to prepare the proposal for the correction of the date of birth of the Petitioner in the record of Respondent No.1 in terms of Circular dated 24.06.1992 and submit the same to the appropriate authority of Government of Maharashtra under Rule 38 of Maharashtra Civil Services (Conditions of Service) Rules, 1981.

3. In the year 1992, the Petitioner was appointed as Assistant Teacher with Respondent Nos.1 and 2 Zilha Parizhad. For the first time on 18.08.2016, the Petitioner has applied for change of date of birth in her service record. This application was rejected by the Respondent No.2 by Order dated 01.10.2016.

4. Mr. Patwardhan, the learned Counsel for the Petitioner relying upon the Circular dated 24.06.1992 submits that Respondent No.2 Education Officer is not appropriate Authority to decide the application and he has only authority to forward the application to the appropriate department of the Government which ultimately decides the Petitioner's application for change of date of birth.

5. We are unable to accept this submission, inasmuch as it is now settled position that such application for change of date of birth is not maintainable at fag end of the service, especially, when the Petitioner is retiring in the month of March, 2019. Under the Rules, such application is required to be prepared as far as possible within a period of 5 years from the entry in the service. As stated above, the Petitioner entered in the service with Respondent Nos. 1 and 2 in the year 1992, the present application for change of date of birth after lapse of 24 years cannot be said to be maintainable.

6. In our opinion, by sending the petitioner's proposal for change of

birth date to the Government will serve no purpose. We are, therefore, not inclined to entertain this Writ Petition. Same is accordingly dismissed.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)