

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

WRIT PETITION NO.6534 OF 2018

Smt. Rajani Lalchand Chaudhari	..Petitioner
Versus	
The Education Officer (Primary), Zilla Parishad, Nashik and others	..Respondents

Mr. Anilkumar K. Patil, Advocate for the Petitioner.
Mr. S. B. Deore, Advocate for Respondent No.3.
Mrs. R. M. Shinde, AGP for Respondent No.4 – State.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 4th APRIL, 2019**

P.C.

1] The Petitioner has approached this Court being aggrieved by the order passed by Respondent No.1 as well as Respondent No.3, thereby refusing the request of the Petitioner to change date of entry from 01.01.1964 to 02.01.1966.

2] Mr. Anilkumar K. Patil, appearing on behalf of the Petitioner submits that in view of the judgment of learned Single Judge of this Court in the case of Sitaram K. Jawale Vs. MHADA & Others¹ there is no strict ban on making an application within five

¹ 2000(4) ALL MR 331.

years and rejection of application of the Petitioner only on the ground that it is made belatedly, would not be sustainable in law.

3] The issue is no more *res-integra*. The Hon'ble Apex Court in catena of judgments has held that the application to correct the date of birth has to be made within a period prescribed by the relevant rules and if not, then within a reasonable period. The last of such judgments is in the case of High Court of A. P. Vs. N. Sanyasi Rao², wherein Hon'ble Apex Court has taken into consideration the earlier judgments reported in 1993 (2) SCC 162 and 2005 SCC 49.

4] In that view of the matter, the Petition is without substance and liable to be dismissed. The Writ Petition is therefore rejected.

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]

² AIR 2012 SC 2118.