

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

CIVIL WRIT PETITION NO. 7254 OF 2019

Appasaheb Sakharam Potghan
and Ors.

...Petitioners

Vs.

The Municipal Council of Shirur
And Ors.

...Respondents

Mr. R.M. Haridas a/w Mr. P.B. Rahede for Petitioner.
Mr. M.P. Thakur, APP for Respondent – State.

**CORAM : SHRI. RANJIT MORE &
SMT. BHARATI H. DANGRE,JJ.**

DATE : 28th JUNE 2019

P.C.:

1. Mentioned. Not on board. Upon being mentioned taken on production board.

2. Petitioner who came to be appointed as Carpenter and working with the Respondent No. 1 – Municipal Council of Shirur has approached this Court seeking direction to the Respondent No. 1 his employer to correct his date of birth as 24.02.1963 instead of 02.06.1961, in his service book and to confer consequential benefits including continuation of his service by calculating his date of birth 24.02.1963.

The undisputed fact is that the petitioner entered into service of

Respondent No. 1 in the year 1995. Pursuant to his entry, on the basis of school leaving certificate submitted to the Respondent No. 1 his date of birth came to be recorded in service book as 02.06.1961. Somewhere in the year 2019 the petitioner realized that his date of birth is not correct and he approached Tahsildar, Shirgonda, since Shirgonda happens to be his place of birth. The Tahsildar thereafter, issued a fresh certificate correcting the date of birth as 24.02.1963 and on the basis of this certificate issued by the Tahsildar, the petitioner preferred a representation to the employer on 01.04.2019 requesting for change of his date of birth.

It is settled position of law that entry in the service book as regards the date of birth has to be effected within five years of the entry into service and a representation made at a fag end of service cannot be entertained and specifically when the petitioner is due to retire on 30.06.2019, in accordance with to the date of birth entered in his service book. In light of the settled position of law, we are not inclined to show any indulgence and resultantly we dismiss the Writ Petition. No order as to costs.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)