

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

WRIT PETITION NO. 14109 OF 2018

Shri Fattesinh Nanasaheb Patil

.. Petitioner

Vs.

1. The Director General and Inspector
General of Police & Ors.

.. Respondents

Mr. Atul Damle, Senior Advocate a/w. Mr. Chinmaya Acharya I/b Mr. Omkar M. Kulkarni, Advocate for petitioner.

Mr. Y.S. Khochare, AGP for respondent Nos.1 and 2.

**CORAM : B.R. GAVAI &
N.J. JAMADAR, JJ.**

DATE : 17TH JANUARY 2019

P.C.

1 The petitioner has approached this Court being aggrieved by the judgment and order dated 1st November 2018 passed by the learned Maharashtra Administrative Tribunal ('MAT') by which the Original Application No.486 of 2018 made by the petitioner for correcting the date of birth came to be rejected.

2 It is the contention of the petitioner that though in the service record, the date of birth is recorded as '9th October 1960', the said date of birth was duly corrected as '16th November 1962' by the order dated 26th July 1989 passed by the learned Sub-Divisional Officer and Magistrate. Though an application for correction of the date of birth was made within a period of five years, the same has not been considered and decided by the respondent No.1.

3 We have perused the judgment and order passed by the learned MAT. The learned MAT has observed that though the petitioner has received a communication with regard to rejection of his prayer as earlier as 11th September 2000, the Original Application came to be filed in the year 2018. It has further been observed that as per Section 13(3) of the Registration of Birth and Death Act, 1969, any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death..

4 The learned Member of MAT has given elaborate reasons while coming to the conclusion that petitioner has failed to make out any case for granting prayer as sought. The scope of interference by this Court while exercising discretion under Article 226 of the Constitution of India is very limited. Unless any perversity is found in the view taken by the Learned Tribunal an interference is not warranted therein. In the present case, on examination of the record, we find that no interference is warranted.

5 The petition is disposed of in the above terms.

[N.J. JAMADAR, J.]

[B.R. GAVAI, J.]