

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION STAMP NO. 12323 OF 2020

Mohan Maruti Dudhbhate .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh N. Patne, Advocate for the Petitioner.

Mrs. V. S. Chaudhari, A.G. P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27TH JULY, 2020.

FINAL ORDER :

. Mr. Patne, the learned counsel for the petitioner submits that, the petitioner in the year 2008 had applied for correction of date of birth in the service record. Said application is not yet decided. The real date of birth of the petitioner is 09.07.1965. In the service record it is wrongly recorded as 05.07.1962. According to the learned counsel for the first time in the year 2007, the petitioner got the knowledge that his correct date of birth is 09.07.1965. According to the learned counsel since 10 to 12 years, the authorities have not considered application of the petitioner and petitioner is made to retire on 31.07.2020. The respondents be directed to correct the date of birth of the petitioner.

2. We have considered the submissions canvassed by the

learned counsel for the petitioner.

3. The application to correct the date of birth if erroneously recorded in the service record has to be made within a period of five years. The petitioner joined the service in the year 1986 and for the first time the petitioner applied for correction of date of birth in the year 2008. The petitioner relies upon the birth certificate issued by the Village Development Officer. The same is said to have been issued on 10.06.2007. Upon perusing the birth certificate, it is manifest that the petitioner got the date of birth recorded as 09.07.1965 only on 10.06.2007. Presumption cannot be attached to such a certificate, wherein the date of birth is registered more than 40 years after his birth.

4. Considering all the aforesaid aspects of the matter, the petitioner is not entitled for any relief. The writ petition is accordingly dismissed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/July 20