

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.7744 OF 2017

RAJASBAI RAJNIKANT GHORPEDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mrs. Kazi Fatema S.
AGP for Respondents: Mr. S.J. Salgare
Advocate for Respondent No.3 : Mr. M.N. Navandar
Advocate for Respondent No.4 : Mr. R.R. Chandak

...
CORAM : **Z.A. HAQ & S. M. GAVHANE, JJ.**

Date: February 25, 2020

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PER COURT :-

1 Heard.

2 By this petition, the petitioner has challenged the decision of respondent No.3, by which the claim of the petitioner for correction of her date of birth is rejected.

3 According to the petitioner, her date of birth is 18.5.1965, however, it is wrongly recorded in the service record as 18.5.1956. To support the submission, petitioner relies on the birth certificate issued by the Chief Officer of Nagar Panchayat, Badnapur. The certificate is dated 17.3.2016.

4 Learned advocate for petitioner has pointed-out the order passed by the learned Civil Judge, Junior Division in M.A. No.11/2016 on 15.3.2016 in the proceedings under section 13(3) of the Birth & Death Registration Act, 1969, by which the

Chief Officer, Nagar Panchayat, Badnapur was directed to enter the date of birth of the petitioner in the Birth Register as 18.5.1965. In this order, it is recorded that the marriage of the petitioner was solemnized in 1973. The petitioner had herself stated in those proceedings, that her marriage was solemnized in 1973. Therefore, it is not possible to accept the case of the petitioner that her date of birth is 18.5.1965 and not 18.5.1956, as it cannot be accepted that the marriage of the petitioner was solemnized when she was 08 year old. Moreover, we find that the order was passed by the learned Civil Judge, Junior Division on the basis of some documents, veracity of which was not challenged by any party. Present respondent Nos.2 and 3 were not party to the said proceedings. Hence, the order passed by the learned Civil Judge, Junior Division does not assist the petitioner.

5 The learned advocate for respondent Nos.2 and 3 has pointed-out the extract of birth register, which according to respondent Nos.2 and 3 was produced by the petitioner herself before the concerned authority. This document shows the date of birth of the petitioner as 18.5.1956.

6 After hearing the learned advocates for the respective parties, we find that the petitioner has not been able to produce satisfactory evidence on record to interfere with the decision of

respondent No.3.

Hence the petition is dismissed.

In the circumstances, the parties to bear their own costs.

(S. M. GAVHANE, J.)

(Z.A. HAQ, J.)

vbd