

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.165/2020

Antaram Tanuji Pada Vs. Chief Executive Officer and another.

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri A. K. Neware, Advocate for the petitioner.

CORAM : R.K. DESHPANDE &
A.S. CHANDURKAR, JJ.
DATED : 09th JANUARY, 2020.

. The petitioner seeks correction of his date of birth as entered in the service records. According to the petitioner, his correct date of birth is 25.01.1965, but it has been wrongly entered as 25.01.1962. The petitioner entered in service as a Primary Teacher on 30.06.1984. It is his case that on noticing the incorrect record of his date of birth, he moved an application on 25.07.1988 seeking correction of that mistake. It is only when he was informed that he would be retiring by end of January, 2020 that he has approached the Court with the grievance that despite the application for correction having been made in the year 1988, that correction has not been effected.

2. We have heard the learned counsel for the petitioner, who has placed reliance on the decision in the case of *State of Kerala Vs. Yoosuf Kunju reported in (1999) III LJ 1548 Ker*. It is his contention that having sought correction of the date of birth in the year 1988, he was under the impression that the correction was effected.

3. It is well settled that at the fag-end of the service career, request for correction in the date of birth should normally not be entertained. Though it is the case of the petitioner that he sought such correction in the year 1988, there is total inaction on his part for a period of more than 30 years from that date. The fact that the petitioner is serving as a primary school teacher cannot be ignored. The petitioner is due to retire from service in January, 2020. The decision relied upon by the learned counsel for the petitioner is clearly distinguishable in view of the facts of that case. The delay in seeking correction of the date of birth was condoned by the Government in that case. In the light of a settled legal position referred to above, we do not find any case to interfere in this petition. The Writ Petition is thus dismissed.

4. After the order was dictated, the learned counsel for the petitioner again sought to rely upon the decision in the case of *Union of India Vs. Harnam Singh reported in AIR 1993 S.C. 1367*. There is no reason why this decision was not cited when the arguments were advanced and completed. The petitioner shall therefore, pay costs of Rs. Two Thousand to the High Court Bar Library, Nagpur.

5. Perusal of the aforesaid decision indicates that rather than supporting the case of the petitioner it washes out his case. The date of birth as recorded in the year 1956 was sought to be corrected in the year 1991. The Central Administrative Tribunal granted the request of the employee but that order was set aside on the ground that there was

inordinate delay in making such request. As stated above, for the period of more than 30 years, the petitioner has not taken any steps whatsoever to have his date of birth corrected. Hence, we do not find any assistance being rendered by this judgment to the case of the petitioner.

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