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

905 WRIT PETITION NO.6472 OF 2020

GUTAM BHANUDAS WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr Amol R. Gaikwad, Advocate for petitioner;
Mr S. B. Yawalkar, A.G.P. for respondent No.1;
Ms. Sayali S. Kulkarni, Advocate h/f Ms. S. P. Mahajan,
Advocate for respondent No.2;
Mr V. M. Chate, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 28th September, 2021

PER COURT:

1. By this petition, the petitioner-father has put forth prayer clauses (17-B) and (17-C) as under :

“17-B) By issuing writ of Mandamus or any other writ or order or directions in the like nature, direct the respondents to consider the proposal of the son of the petitioner for correction in the date of birth dated 20.01.2020 and for that purpose issue necessary orders;

17-C) By issuing writ of Mandamus or any other writ or order or directions in the like nature, direct the

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respondent No.2 to issue corrected Secondary School Certificate in favour of the son of the petitioner and for that purpose issue necessary orders;”

2. The learned A.G.P. representing the State - respondent No.1 and the learned Advocate representing respondent No.2, vehemently oppose this petition. The learned Advocate for respondent No.3 submits on instructions, that the petitioner's request can be accepted.

3. Despite service of Court notice, none appears for respondent Nos.4 and 5.

4. Though we will not step into the shoes of respondent No.2, the application seeking correction in the date of birth, dated 20/01/2020, pending with respondent No.2 could be directed to be decided on its own merits.

5. We have perused the first entry of the son of the petitioner in Shri. Sharadchandra Vidyamandir, Beed, on 16/06/2008 in the 1st Standard which indicates his date of birth as 24/10/2002. His second entry in another school, namely, Shri. Shivaji Vidyalaya,

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Beed, on 15/06/2012, also carries his date of birth as 24/10/2002. However, the computer entry of the same school Shri. Shivaji Vidyalaya, Beed at page No.18 of the petition paper book indicates that the date of birth is 15/11/2001. This is the first occasion that the discrepancies have occurred.

6. In view of the above, this petition is disposed off with a direction to respondent No.2 to consider the pending application dated 20/01/2020, in the light of above, on or before 30/10/2021, on it's own merits and after due verification of the records. In the event, the petitioner or his son are aggrieved by any order passed by respondent No.2, they would be at liberty to avail of a remedy as is permissible in law.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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