

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

WRIT PETITION NO. 7870 OF 2021

Kamalbhai Ramesh Waghmare .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri S. S. Kazi, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 23RD JULY, 2021.

FINAL ORDER :

. Mr. Kazi, the learned advocate for the petitioner submits that, the petitioner is illiterate and is not possessing any document to substantiate her date of birth. The petitioner in the year 2010 was referred before the Medical Board. The Medical Board opined age of the petitioner as more than 45 years and less than 50 years. Thereafter her age is recorded as 49 years in the service record. The person recording the age in the service book has no authority. The petitioner was not issued with notice while recording her age as 49 years. The respondent No. 2 ought to have recorded age of the petitioner as 47 and half years as the medical board had opined that the age of the petitioner is more than 45 years and less than 50 years. The mean should have been calculated.

2. The learned Assistant Government Pleader accepts notice for the respondent No. 1.

3. We asked the learned advocate for the petitioner as to the document petitioner possess to substantiate her date of birth. Unfortunately, the petitioner is not in a position to produce any document to substantiate her date and year of birth. The petitioner was appointed in the year 1995. In the year 2010, the petitioner was referred to the medical board. The medical board opined that the petitioner is more than 45 years and less than 50 years age. In the year 2010 the age of the petitioner was recorded as 49 years considering the medical report. Upto May 2021 the petitioner did not make grievance about her age recorded in the service record and for the first time in May 2021 made representation to the authority. The authority rejected the representation under the impugned order dated 05th July, 2021. The petitioner is scheduled to retire on 31st July, 2021. At the fag end of service career, the petitioner has approached the authorities with grievance of her age. In absence of any authenticate record, it would not be appropriate to exercise our writ jurisdiction under Article 226 of the Constitution of India.

4. In the light of the above, the writ petition is dismissed. No costs.

[R. N. LADDHA, J.]
bsb/July 21

[S. V. GANGAPURWALA, J.]