

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

WRIT PETITION NO. 8081 OF 2021

Jakirsaheb Jahedsaheb Shaikh	.. Petitioner
Versus	
Nandurbar Municipal Council	
Through its Chief Officer	.. Respondent

Shri Rahul S. Pawar, Advocate for the Petitioner.

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

DATE : 28TH JULY, 2021.

FINAL ORDER :

. Mr. Pawar, the learned advocate for the petitioner submits that, the date of birth in the service record of the petitioner is wrongly recorded as 17.07.1963 instead of 17.07.1964. The petitioner is working as clerk with the respondent/Municipal Council since 1993. It is only in the year 2020 the petitioner get the knowledge that date of birth in the service book is wrongly recorded as 17.07.1963. In the year 2020, the petitioner gave an application for correction of date of birth, however, the same is not considered. The petitioner is issued with notice of retirement intimating that the petitioner would stand retired on 31.07.2021. According to the learned counsel, presumption is given to the birth certificate issued under the Birth and Death Registration Act. In the birth certificate issued by the competent authority, the date of birth of the petitioner is rightly recorded as 17.07.1964. The petitioner is an employee of the Municipal Council. The respondent be directed to correct the same. The

retirement notice issued by the respondent be quashed and set aside.

2. Undisputedly, the petitioner was employed as a clerk with the respondent municipal council in the year 1993. His date of birth at the time of entry in the service is recorded as 17.07.1963 in the service book. For near about 27 years, the petitioner never raised an objection to his date of birth recorded as 17.07.1963. It is at the fag end of service career, the petitioner is agitating his grievance that, date of birth is wrongly recorded in the service book. The date of birth recorded in the school record of the petitioner is 17.07.1963 and as per the representation of the petitioner the date of birth is recorded in the service book.

3. It is not case that, because of an error on the part of third party, the date of birth of the petitioner is wrongly recorded in the service book. After 27 years and at the fag end of service career, the petitioner cannot insist for change of date of birth in the service book. Moreover, there are documents on record showing the date of birth of the petitioner as 17.07.1963.

4. In the light of the above, at this stage, we are not inclined to entertain the writ petition. The writ petition as such is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 21