

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7437 OF 2020

SAKSHI SANJAY AWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioner : Shri D.R. Adhav
AGP for Respondent 1 : Shri S.R. Yadav Lonikar
None for respondent No.2.
...

CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.

DATE :- 04th October, 2021

Per Court :-

1. The petitioner is a student, who has put forth prayer
clauses B and C as under :-

- “B) *By issue of writ of certiorari or any other appropriate writ, the impugned order dated 11.03.2020 passed by the respondent No.2-the Board, rejecting the proposal seeking change/correction in the birth entry of Secondary School Certificate of the petitioner, may kindly be quashed and set aside.*
- C) *By issue of writ of mandamus or any other appropriate writ, the respondent No.2-the Board may kindly be directed to correct the birth entry in the Secondary School Certificate of the petitioner as sought for by the petitioner*

i.e. 23.08.2002 instead of 27.04.2002.”

2. It is the specific contention of the petitioner that her correct date of birth is 23.08.2002. She supports her contention by relying upon the first entry in the school document. She joined the Zilla Parishad Primary School, Bokud Jalgaon, Taluka Paithan on 16.06.2008 in the first standard. Her date of birth is correctly mentioned. She then sought admission in the 6th standard in the Zilla Parishad School at Patode Vadgaon, Taluka Paithan on 21.06.2013 and her date of birth is correctly mentioned as 23.08.2002. She then joined Sudarshan Primary School, Bidkin in the 8th standard on 23.06.2015 and her date of birth initially was recorded as 27.04.2002. She then joined Ujwalatai Pawar Secondary School, Aurangabad, on 15.06.2016 in the 10th standard and her date of birth is once again wrongly recorded as 27.04.2002.

3. The Sudarshan School had wrongly entered the date of birth as 27.04.2002 and after realizing their mistake, they issued the communication dated 03.08.2018 to the Headmaster of the Ujwalatai Pawar School stating that the correct date of birth is 23.08.2002. By order dated 20.12.2019, the Education Officer

(Secondary), Zilla Parishad, Aurangabad was convinced that the correct date of birth is 23.08.2002.

4. The grievance of the petitioner is that when she appeared for SSC examination in March, 2018, the mistake committed by Sudarshan School was repeated in the SSC certificate and the date of birth was wrongly mentioned as 27.04.2002. The petitioner has scored 97.40% marks in her 10th standard. Ujwalatai Pawar Secondary School approached the SSC Board at Aurangabad through its representation dated 01.04.2019 requesting for correction in the date of birth. We find that the said school has nowhere mentioned the correct date of birth and incorrect date of birth in the said representation. By the impugned order dated 11.03.2020, respondent No.2/ Board at Aurangabad declined to carryout correction on the ground that the said school had itself unofficially corrected the date of birth in its admission register by indulging in interpolation.

5. Having considered the impugned order passed by respondent No.2/ Board, it is apparent that the Ujwalatai Pawar School has indulged in interpolation and scored out the date of birth 27.04.2002 and inserted 23.08.2002. The Sudarshan School has also carried the date of birth as 27.04.2002. We called upon

the learned advocate for the petitioner to inform us as to what was the basis of entering the date of birth as 23.08.2002 when the petitioner acquired admission in the first standard on 16.06.2008. It is stated that the petitioner has no record to this effect. In the absence of any statutory record, in our view, the Education Officer (Secondary) has acted highhandedly. There is no application of mind. He has casually and mechanically corrected the date of birth of the petitioner.

6. We find that respondent No.2/ Board has rightly taken the stand that the date of birth cannot be corrected because they find manipulations and interpolations in the school certificates. The petitioner is unable to show any statutory document, which can indicate the date of birth of the petitioner having been registered immediately after her birth, as 23.08.2002. A freshly obtained birth certificate dated 30.04.2019 issued by the Gram Sevak, Bokud Jalgaon, Taluka Paithan is produced before us indicating the date of birth as 23.08.2002. The birth of the petitioner is registered on 30.04.2019 and the birth certificate is issued on 19.05.2019 after 17 years of the birth of the petitioner.

7. In view of the above, we do not find that any

interference is called for under Article 226 of the Constitution of India. This Writ Petition, being devoid of merit is, therefore, dismissed.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)