

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

WRIT PETITION NO. 8216 OF 2020

Dipali Vishnu Shep

.. Petitioner

Versus

The Staff Selection Commission
Through its Regional Director
and others

.. Respondents

Mr. Nilesh J. Patil, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondent Nos. 1 and 2.

Mr. A. B. Dhongade, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th April, 2021.

PER COURT:-

. We have heard the learned counsel for the petitioner and the learned counsel for respondents.

2. The petitioner's candidature is negated on the ground that during scrutiny the date of birth in the admit card and in the 10th certificate is different.

3. Mr. Patil, learned counsel for the petitioner submits that the date of birth mentioned in the admit card was based on the basis of date of birth mentioned in the Aadhar card. The same was 01.01.1999, but the

date of birth mentioned in the 10th certificate is 09.07.1999. According to the learned counsel, taking into consideration both the dates, the petitioner was eligible and within the age limit. The mistake occurred only because of the difference in the date of birth in the 10th certificate and in the Aadhar card.

4. Mr. Dhongade, learned counsel submits that it was duty of the petitioner to mention the correct date of birth. No illegality has been committed by the authority in rejecting the candidature of the petitioner.

5. The 10th certificate is placed on record by the petitioner. The date of birth mentioned in the 10th certificate is 09.07.1999. Whereas, in the Aadhar card the date of birth of the petitioner is mentioned as 01.01.1999. The petitioner in her application incorporated the date of birth as per the Aadhar card.

6. It is not disputed by the respondents that considering either date i.e. 01.01.1999 or 09.07.1999 the petitioner would be within the age limit.

7. The petitioner certainly has not got any unfair advantage because of the representation of the incorrect date of birth.

8. In the light of the above, we set aside the impugned order and direct the respondents to consider the candidature of the petitioner on its own merits.

9. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.