

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

WRIT PETITION NO.14390 OF 2021

PRAVIN DEVAKAR ALIAS DEOKAR PATIL ..PETITIONER

VERSUS

**THE EDUCATION OFFICER (SECONDARY) AND OTHERS
..RESPONDENTS**

...
Mr. Jitendra V. Patil, Advocate for the Petitioner.
Mr. A. R. Kale, AGP for Respondents-State.
...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 21st DECEMBER, 2021.

PER COURT:-

1. Mr. Patil, learned counsel for the petitioner submits that, erroneously date of birth of the petitioner is recorded as 13.09.1975 in the school record and the said mistake was carried forward in all the records. The petitioner had joined service on 27.01.2003. In the year 2006, the petitioner came across his date of birth recorded under the Birth and Death Registration Act with the Panchayat Samiti. In the said record, the petitioner's date of birth is recorded as 26.02.1978. Presumption is attached to the said certificate issued under the provisions of Birth and Death Registration Act.

2. The learned counsel further submits that, immediately after getting the knowledge, the

petitioner applied for correction in the service book. The same is erroneously rejected on the ground that, the application ought to have been filed within two years. The learned counsel submits that, as per the provisions of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, the application can be filed for correction in the service book within five years. The learned counsel further contends that, it is not a case that, the petitioner at the fag end of the service had applied for correction in the school record. Within a period of three years of joining the service, the petitioner had applied for correction. Under misconception of Rules, the petitioner did not assail the order at the relevant time.

3. The learned A.G.P. appears for respondent no.1.

4. The petitioner seeks correction in the service record qua his date of birth. The petitioner claims his correct date of birth to be 26.02.1978. The same is recorded as 13.09.1975.

5. It is not disputed that, in all the school records of the petitioner date of birth is recorded as 13.09.1975. In the original Pan Card and Aadhar Card the date of birth is recorded as 13.09.1975. It is not that, by mistake date of birth has been wrongly recorded in the service record. The said

date of birth is in consonance with the school record of the petitioner that is HSC, SSC certificates and all other public documents. Moreover, application for correction of date of birth has been rejected in the year 2007 itself. The petitioner submitted to the said order and after 14 years he is assailing the said order. It would be too late in the day to consider the grievance of the petitioner.

6. In light of that, Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE