

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3979 OF 2019

Shri Narendra Balkrishna Naik

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

Mr.Prashant Bhavake for Petitioner.

Smt.S.S. Bhende, AGP for Respondent-State.

**CORAM : S.C. GUPTE &
SURENDRA P TAVADE, JJ.**

DATE : 22 FEBRUARY 2021

P.C. :

The subject matter of controversy in the present petition concerns the Petitioner's birth date recorded in his service book. It is submitted that the presently recorded birth date of the Petitioner is 25 April 1959, whereas his birth certificate issued under Section 12/17 of Registration of Births and Deaths Act, 1969 shows his birth date as 18 June 1965. The Petitioner has already made several representations in this behalf, the last of which was on 15 January 2011. Despite these representations, there is no decision taken by the Deputy Director of Education (Respondent No.4). It is submitted that the representation has already been forwarded by the State to the Deputy Director. On these facts, the petition can be conveniently disposed of by directing the Petitioner to file a fresh representation in this behalf and directing the Respondent – Deputy Director of Education to take an appropriate decision thereon within a time-bound manner.

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The petition is disposed of in terms of the following order:

(I) Within a period of two weeks from today, the Petitioner shall make a fresh representation concerning the date of birth to be recorded in his service book to the Deputy Director of Education;

(II) Upon receipt of such representation, the Deputy Director of Education shall take a final decision on it within four weeks of receipt of the representation;

(III) All rights and contentions of the parties on merits in that behalf are kept open;

(IV) It is made clear that since the original representation made by the Petitioner was within the limitation, the new representation of the Petitioner, as required by this order, shall not be rejected on the ground of limitation or delay. The matter be decided by the Deputy Director on merits.

(SURENDRA P TAVADE, J.)

(S.C. GUPTE, J.)