

JPP

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

WRIT PETITION NO. 3060 OF 2018

Bhimrao Narayan Waghmode

... Petitioner

V/s.

The State of Maharashtra

Through the Principal Secretary,

Higher and Technical Education and Ors.

... Respondent

Mr. Ramdas A. Shelke for the Petitioner

Ms. K.N. Solunke, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
C.V. BHADANG, JJ.***

DATE : 18 MARCH 2021

P.C. :-

Heard learned Counsel for the parties.

2. The Petitioner has challenged the order passed by the Deputy Director (Education), Kolhapur dated 17 January 2017, rejecting the request of the Petitioner for correction in service-book regarding his date of birth. The learned Counsel for the Petitioner contended that the entry in the service-book of the Petitioner was 1

June 1964, however, it is during the litigation between the Petitioner and his relatives, the Petitioner came to know that his birth date is 20 December 1968.

3. The Petitioner had entered the services in the year 1988. The Petitioner was promoted as an Assistant Registrar with the Respondent No.4 – Shivaji University on 30 June 2012. The Petitioner sought correction in his birth record and the same has been rejected by the Deputy Director holding that the application for correction of birth record as per the Maharashtra Civil Services (General Conditions) Rules, 1981 and the Government Resolution dated 3 March 1998, the time limit for making an application for correction of birth date will be given five years. This Rule is uniformly applicable. There is a reason behind placing a time limit, as alteration of date of birth has cascading effect not only on the services of the applicant but the general seniority as well. Therefore, as a matter of discipline, time limit of five years is provided. Admittedly, no application was made within a period of five years. The Petitioner was fully aware that his date of birth in the service-book was 1 June 1964. The reason that subsequently during a litigation the Petitioner came to know about his date of birth is far too general to be accepted. Such general and omnibus stand can be taken by any employee at any time. The Petitioner is not uneducated but was occupying a post of Assistant Registrar.

4. Considering the totality of the circumstances, we do not find any reason to interfere with the order passed by the Deputy Director which is based on relevant rules and regulations.

5. The Writ Petition is rejected.

C.V. BHADANG, J.

NITIN JAMDAR, J.