

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4357 OF 2021

Eknath Ladku Londhe

..... Petitioner

VERSUS

**Education Officer,
Education Department, Jilha Parishad,
Dist. Thane & Ors.**

..... Respondents

Mr. Manoj M. Badgujar for the Petitioner.

Mr. A.A. Alaspurkar, A.G.P. for the State – Respondent no. 3.

**CORAM: R. D. DHANUKA AND
A.K.MENON, JJ.**

DATE : 23rd AUGUST, 2021

P.C:-

By this petition filed under Article 226 of the Constitution of India, the petitioner seeks order and direction against the respondent no.1 to decide the application filed by the petitioner dated 20th January, 2021 before the petitioner attains the age of superannuation i.e. 1st June, 2021. The petitioner has made such application at the fag end of his employment. Learned counsel for the petitioner does not dispute that the petitioner has already retired by superannuation on 1st June, 2021.

2. This Court in case of *Sunanda Dnyaneshwar Maske vs. Zilla*

Parishad & Anr. 2019 SCC OnLine Bom 3031 has held that the application for change of date of birth is not maintainable at the end of the service, specially, when the petitioner is retiring. Such application is required to be made as far as possible within a period of five years from the entry in the service.

3. Admittedly the petitioner was appointed in the year 2011 and did not bother to apply for correction in the date of birth for last several years. The judgment of this Court in case of ***Sunanda Dnyaneshwar Maske*** (supra) applies to the facts of this case.

4. The petition is thoroughly misconceived and is accordingly dismissed. No order as to costs.

[A.K.MENON, J.]

[R. D. DHANUKA, J.]