

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 648 OF 2021

Shubham S/o Bharat Limaje,
..VS..

The State of Maharashtra, through its Secretary, School Education and Sports
Department, Mantralaya, Mumbai and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. V. Bute, Advocate for petitioner.
Shri A. S. Fulzele, Addl.G.P. for respondent Nos.1 & 3.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 09.08.2021

Heard Shri Bute, learned counsel for the petitioner.

2. The petitioner is claiming correction in the entry as regards his date of birth in school record. The school record of the petitioner shows that his date of birth is 11.08.2000, but, the petitioner contends that his correct date of birth is 11.08.2001. In support, the petitioner relies upon the birth certificate dated 17.07.2019 issued by Gram Panchayat, Fulsavangi, Tq. Mahagaon, District Yavatmal. The petitioner also relies upon Rule 26 of the Shastri Sanskrit Degrees of Swadhyaya mandal, Pardi vide G.R. dated 16.03.1983.

3. We have perused the birth certificate dated 17.07.2019 and Rule 26. In our opinion, neither the birth certificate nor Rule 26 help the case of the petitioner.

Birth certificate has been issued on 17.07.2019 and it is in respect of birth which had taken place, as per the certificate, on 11.08.2001. In the certificate itself, it is stated that the birth which had taken place on 11.08.2001 was registered in the Birth and Death Register maintained by Gram-panchayat, Fulsavangi on 30.10.2006. There is nothing on record which would explain as to why entry as regards birth of the year 2001 was registered in the year 2006 and as to why the birth certificate has been issued on 17.07.2019.

4. The School Leaving Certificate dated 13.06.2018 shows the date of birth of the petitioner as 11.08.2000. This School Leaving Certificate is in respect of completion of the academic years up to 12th standards by the petitioner. If the petitioner had completed his 12th standard in the year 2018, it can be reasonably presumed that the petitioner must have secured admission to first standard when he was aged about five years and that would mean sometime in the year 2005 or 2006. It is a matter of common knowledge that while securing admission to first standard of the school, birth certificate is required to be submitted by the parents without which, admission is not given to any pupil. The date of birth dated 11.08.2000 noted in the school leaving certificate can thus be safely presumed to be entered on the basis of the documents relating to date of birth of the petitioner submitted by the father or mother of the petitioner, unless, the petitioner says something different.

4. In the present case, the petitioner is not saying anything about the document on the basis of which the entry dated 11.08.2000 in the first standard of schooling was taken. Unless this fact is brought on record, it would not be possible for any authority to appropriately consider the date of birth certificate obtained by the petitioner on 17.07.2019.

5. This would mean that this is a case which involves proof as regards the correct date of birth of the petitioner and that would be possible only by seeking a declaration from competent Civil Court or Authority. Therefore, we are of the view that this petition is not maintainable.

6. As regards Rule 26 of the Shastri Sanskrit Degrees of Swadhyaya mandal, Pardi, we find that this rule only permits correction of spelling of a word or an obvious mistake in figure of the type mentioned in Rule 26-3. Correction in the date of birth entry does not fall in the category of correction of spelling of a word or deleting any figure. Therefore, Rule 26 is not applicable to the present case.

7. The petition stands summarily dismissed with liberty to approach the competent Civil Court/Authority for redressal of the grievance. No costs.

JUDGE

JUDGE