

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

WRIT PETITION NO. 7136 OF 2019

Sundar Uttamrao Chavan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sambhaji G. Munde, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1, 2 & 7.

Shri Umesh S. Mote, Advocate for the Respondent No. 3.

Shri Santosh S. Dambe, Advocate for the Respondent Nos. 5 & 6.

Shri Shambhuraje V. Deshmukh, Advocate for the Respondent
No. 9.

Shri Ishwar K. Wagh, Advocate h/f Shri Mahesh S. Bhosale,
Advocate for the Respondent No. 10.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 21.09.2022.

FINAL ORDER (Per Sandeep V. Marne, J.) :

. By present petition, the petitioner seeks correction of his date of birth in the transfer certificate, school admission extract and board certificate as 28.02.1986 instead of 05.03.1982.

2. We have perused various documents placed on record by the petitioner along with his petition. Admittedly, right from the beginning his date of birth was always declared as 05.03.1982 while seeking admissions in the schools. We have particularly noticed two documents on the basis of which the claim of the petitioner appears to be completely fallacious. The respondent

No. 9 has placed on record the admission form filled up by the petitioner's father on 17.06.1994 mentioning his date of birth as 05.03.1982. The admission was sought for 05th standard. If contention of the petitioner that his date of birth is 28.02.1982 is to be accepted, then the petitioner's age as on 13.06.1994 would be just eight years when he was seeking admission in 05th grade. Even from the school leaving certificate dated 14.06.1994, it is clear that the petitioner had left the school on 14.06.1994, when he was studying in 05th standard. This document again indicates that if the date of birth of the petitioner was indeed 28.02.1986, the petitioner would be only eight years old while in 05th standard. When we invited the attention of Mr. Munde, learned counsel appearing for the petitioner to this contradiction in the claim of the petitioner, he was not able to give any satisfactory answer. We therefore find that the claim that the date of birth of the petitioner is 28.02.1986, appears to be highly doubtful.

3. Even otherwise the case cannot be said to be covered by an "obvious mistake" within the meaning of law enunciated by the Full Bench of this Court in the case of **Janbai D/o Himmatrao Thakur Vs. State of Maharashtra and others** reported in **2019 (6) Mh.L.J. 769** as well as provisions of Section 26.4 of the Secondary School Code.

4. We, therefore, find that no error is committed by the respondents in refusing to correct the entry relating to date of birth in the school record of the petitioner. Since date of birth in the school record cannot be corrected, there is no question of

correction of the same in the certificate issued by the Maharashtra State Board of Secondary and Higher Secondary Education. The petition is thus, devoid of any merits. The same is dismissed, however without any orders as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 22