

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

WRIT PETITION NO.9266 OF 2022

**NIRMALA GANGADHAR GHONGDE
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Shri Deshmukh Shambhuraje V

AGP for the Respondents/State : Shri S.K. Tambe

Advocate for Respondent 3 : Shri S.B. Pulkundwar

...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 17th October, 2022

Per Court :-

1. A 48 years old petitioner seeking reduction of her age by four years, has put forth prayer clause B as under :-

“(B) By issuing Writ of Mandamus or any other appropriate Writ, Order or Directions in the like nature, the Respondent No. 2 and 3 may kindly be Directed to decide the Application dated 27.4.2022 (Exh-A) filed by the petitioner and accordingly correct the date of birth as 12.3.1978 in school record of the petitioner within a period of two months from today. ”

2. We have considered the strenuous submissions of the learned advocate for the petitioner, who has specifically

drawn our attention to the nine grounds formulated in the memo of the petition, which read as under:-

- I) *That, correct date of the Birth of the Petitioner is 12.3.1978 and hence it is just and necessary to direct the Respondents to decide the Application of the Petitioner and accordingly correct the date of birth of the Petitioner.*
- II) *That, the Petitioner was admitted to primary school in Zilla Parishad School at Dhuppa and her admission extract shows date of birth as 12.3.1974 and date of admission is recorded as 12.7.1980 and date of completion of 4th standard is recorded as 16.6.1986. It is most respectfully submitted that, the date of birth recorded is speculative one and pertinently the admission extract shows 7 years span for completion of 4th standard and it is contrary to their own record as the Petitioner has passed standard 1 to 4 in one attempt, hence she has completed education from 1st to 4th standard in span of 4 years and the same can be gathered from certificate dated 1.1.2022 issued by concerned school.*
- III) *That, the father of the Petitioner died in the year 1980, however the record of birth and death in respect of father if the petitioner as well as brother and sisters of the petitioner is not available with the concerned authority i.e. Grampanchayat.*
- IV) *That, speculative date of birth was recorded in school in respect of petitioner and her brother and sisters and hence the date of birth deserves to be corrected in school record.*
- V) *That, the petitioner has filed proceedings under section 13 (3) of the Birth and Death Registration Act and said proceedings are decided by the Judgment and Order dated 29.11.2021 by the Ld. Court Below and hence date of birth deserves to be corrected*

accordingly.

- VI) *That, the petitioner got herself examined from the Medical officer and after examination the Medical officer has issued certificate dated 22.12.2021 stating that Petitioner is 43 years old and hence considering this certificate the year of birth of the petitioner comes to 1978.*
- VII) *That, the petitioner has completed her Post Graduation in Master of Arts in English in the year 2009-2010 and leaving certificate dated 7.5.2010 depicts and records the date of birth as 12.3.1978.*
- VIII) *Furthermore, by considering above-mentioned facts and circumstances it is just and necessary to correct the date of birth of the petitioner.*
- IX) *That the petitioner has filed an application dated 27.4.2022 before the Respondent No.2 and 3, however till date no further steps have been taken by the Respondents and hence it is just and necessary to issue appropriate directions to the Respondents to decide the application and accordingly correct the date of birth of the petitioner.”*

3. With the assistance of the learned advocates for the respective parties, we have perused the petition paper book.

4. All throughout, the date of birth of the petitioner in the school and college records is mentioned as 12.03.1974. She was admitted in the school on 12.07.1980 in the first standard. If the contention of the petitioner that her date of birth is 12.03.1978, is to be accepted, it would mean that she was admitted in the Ist standard school when she was two years and

three months old. This is unbelievable and unacceptable. It is common knowledge that in Marathi schools in rural India, the children are admitted in the first standard after completing five years. In some convent schools, the children are admitted in nursery or kindergarten after completing four years.

5. The learned advocate insists that the petitioner was admitted in the school in the first standard at the age of two years since she was mentally and physically competent to study in the school.

6. Considering the above and the law laid down by the Full Bench in the matter of *Janabai Himmatrao Thakur vs. The State of Maharashtra and others*, [2019 (6) Mh.L.J. 769] [read paragraphs 39(a) to (d)], this Writ Petition is devoid of merit and is, therefore, dismissed.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)