

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

**WRIT PETITION NO.11576 OF 2022**

Avinash Arjun Jadhav  
Age : 18 years,  
Occupation : Student,  
R/o At.Post. Kada, Tq.Ashti,  
Dist.Beed.

...PETITIONER

**-VERSUS-**

1. State of Maharashtra.  
Through Secretary,  
School Education Department,  
Mumbai-400001.
2. Education Officer (Secondary),  
Zilla Parishad, Zilla Parishad Office,  
Beed. Tq. & Dist.Beed-431122.
3. Divisional Secretary,  
Maharashtra State Board of Secondary  
and Higher Secondary Education,  
Divisional Board, Aurangabad.  
Railway Station Road,  
In front of Forest Department,  
Aurangabad-431201.

...RESPONDENTS

...

Advocate for the Petitioner : Shri Bakal Vishal P.  
AGP for Respondents 1 and 2/State : Shri P.S. Patil  
Advocate for Respondent 3 : Ms.Nayana Patil h/f Ms.Surekha P.  
Mahajan

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

**DATE :- 15<sup>th</sup> December, 2022**

**ORAL JUDGMENT :-**

1. Respondent Nos.4 and 5 are formal parties. Leave to delete them. Deletion be carried out forthwith.

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. The petitioner is an 18 years old student, who has put forth prayer clauses B, C and D as under :-

*“B) Issue writ of certiorari or any other writ in the like nature, order, quash and set aside impugned communication dated 12.08.2022 issued by respondent no.2 thereby rejecting the proposal of petitioner to change the date of birth in original records as 01.09.2004 instead of 01.04.2004.*

*C) Issue writ of mandamus or any other writ in the like nature, order, direct respondent no.3 to issue fresh passing certificate after carrying out necessary correction of date of birth as per birth certificate as per appendix SIX of SSC code and for that purpose issue necessary orders.*

*D) Issue writ of mandamus or any other writ in the like nature, order, direct respondent no.2 to accord sanction (as per appendix six, clause 1) to the proposal forwarded by respondent no.4 school in respect of change in date of birth in all original records as per Birth certificate and Addhar card and for that purpose issue necessary orders.”*

4. Having considered the submissions of the learned advocates appearing for the respective sides, we have considered the law laid down by the learned Full Bench of this Court in paragraphs 39(a) to (d) in the case of ***Janabai D/o Himmatrao***

*Thakur vs. The State of Maharashtra and others, 2019 (6) Mh.L.J. 769.* We have perused the record placed before us in the light of the conclusions drawn by the learned Full Bench. Since we find that there is an obvious mistake committed, that we are entertaining this petition.

5. The petitioner's original birth certificate recorded on 10.09.2004 indicates his birth on 01.09.2004 in Ramtanu Mata Bal Rugnalaya, Turbhe, within the jurisdiction of the Navi Mumbai Municipal Corporation. We have perused the school record at the time of the petitioner's entry in the school, which indicates his date of birth as 01.09.2004. The "Vidyarthi Pravesh Nirgam Nondani" register also indicates his date of birth as 01.09.2004. The mistake appears to have crept into the school leaving certificate wherein, the date of birth is recorded as 01.04.2004, for the first time. This mistake seems to have been carried forward in the SSC examination certificate. The SSC Board has, therefore, recorded his date of birth as 01.04.2004. Considering the old records available and the fact that the discrepancy in the date of birth occurred for the first time when the petitioner left the school to join the college, that obvious mistake is apparent.

6. In view of the above, this Writ Petition is allowed. The impugned order dated 12.08.2022 passed by the Education

Officer is quashed and set aside. We direct the Education Officer to issue the order approving the correction in the date of birth of the petitioner and for recording the correct date of birth as 01.09.2004. Let such order be passed on or before 15.01.2023.

7. Rule is made absolute in the above terms.

*kps* (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)