

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

926 WRIT PETITION NO.1222 OF 2023

SUVARNA BALASAHEB GONTALA
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Vinayak Sudhakar Bedre.

AGP for Respondent No.1 : Mr. S. G. Sangle.

Advocate for Respondent No.3 : Mr. S. S. Jadhavar.

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

DATE : 01st February, 2023.

Per Court:

1. We have considered the submissions of the learned advocates for the petitioner and respondent No.3-school and the learned AGP for respondent No.1.

2. The petitioner is before us vide this petition dated 27th January, 2023 praying that her actual date of birth being 21st June, 1965, be entered in her service record, which has erroneously mentioned her date of birth as being 21st January, 1965 and as a consequence of which, she has superannuated on 31st January, 2023.

3. The learned advocate for the petitioner has drawn our attention to the copies of the petitioner's school record. The birth certificate obtained by her on 7th April, 2005, indicates her date of birth

as being 21st June, 1965 and the registration number being 1912. A school leaving certificate dated 18th July, 2013, indicates the birth date as 21st June, 1965. Another school leaving certificate dated 18th July, 1983, indicates the birth date as 21st June, 1965. The college leaving certificate bearing No.000138 dated 24th August, 1994, indicates her birth date as 21st June, 1965. The purported error appears to have crept into the service book by virtue of the order of appointment dated 1st June, 1991, when she was appointed as an Assistant Teacher, showing her birth date as 21st January, 1965.

4. It is undisputed that the correction in the date of birth can be sought within 5 years of joining service. The petitioner was aware that she would superannuate on 31st January, 2023. She had the above referred documents in her custody. She, however, moved an application for seeking correction in her date of birth, for the first time on, 15th December, 2022, i.e. around 6 weeks prior to her superannuation. A stale dispute and more so, in the nature of seeking correction in the date of birth, when the candidate is around 6 weeks away from retirement, ought not to be entertained.

5. This petition is, therefore, dismissed.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]