

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.8281 OF 2023

MOHAMMAD ATIQUIDDIN MOHAMMAD FARIDUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Jarare Prasad Devidas
AGP for the respondent – State : Mr. S.K. Tambe
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 20 JULY 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner.

2. The petitioner was in the employment of the respondent – municipal corporation. According to the service record, his date of birth was 10-11-1962 and by the impugned communication, he was made to superannuate on 30-11-2022. It appears that the petitioner made a request based on the school record to correct the date of birth in the service record and to reinstate him. His request was rejected. Hence this petition.

3. Admittedly, pursuant to the provisions of rule 38 of the Maharashtra Civil Services (General Conditions of Service) Rules, 1981, any request for change in the date of birth in the service record

can be made within five years of joining. No such request was ever made by the petitioner. It is only on the verge of retirement that he started putting up the request.

4. As has been rightly submitted by the learned advocate for the petitioner, the issue has been put at rest by the Supreme Court in the matter of ***Karnataka Rural Infrastructure Development Limited Vs. T.P. Nataraja and others; (2021) 12 SCC 27*** wherein it has been *inter alia* held that application for change of date of birth can only be as per the relevant provisions applicable, and even if there is cogent evidence such change cannot be claimed as a matter of right and the request can be rejected on the ground of delay and laches particularly when it is made at the fag end of the service.

5. The decision is squarely applicable to the fact situation of the matter in hand.

6. The petition is dismissed.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/