

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

WRIT PETITION NO. 762 OF 2023

Riyaz Shah Khan s/o Azam Shah Khan

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. Amol N. Kakade, advocate for the petitioner

Mr. S. J. Salgare, AGP for Respondents No.1 and 2.

**CORAM : S.V.GANGAPURWALA, ACTING CJ &
GAURI GODSE, J.**

DATE : 24th January, 2023.

PER COURT :

1 Mr. Kakade, learned Counsel for the petitioner, submits that the petitioner had filed an application for correction of his date of birth in the service record. The same has been rejected under the impugned order. The learned Counsel for the petitioner submits that the very basis, relying upon which petitioner's date of birth was recorded, is erroneous. According to the learned Counsel for the petitioner, the petitioner has two brothers and the dates of birth of the petitioner and his brothers are in the same year, which is not possible.

2 We have heard the learned AGP for Respondents No.1 and 2.

3 It is not disputed that the petitioner was appointed in the year 1989 with the respondents. The petitioner, for the first time, has filed an application for correction of his date of birth in the service record, in the year 2022. If the petitioner wanted to change his date of birth in the service record, he ought to have filed an application for correction of his date of birth in the service record within five years from the date of his appointment. Moreover, date of birth of the petitioner was recorded in the service record as per his school record so also as per his birth certificate. There is no contra document on record to show that the petitioner's date of birth is different than the date of birth recorded in his service record. The petitioner has filed an application for correction of his date of birth in the service record at the fag end of his service career. Same has been rightly declined by the respondents. The authority has not committed any error while passing the impugned order.

4 In this view of the matter, Writ Petition is dismissed. No costs.

[GAURI GODSE, J.]

[ACTING CHIEF JUSTICE]

adb