

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

WRIT PETITION NO.9609 OF 2023

**SIDDI AFFAN AHMAD SIDDI ATEEQ AHMAD THR
GUARDIANSHIP OF SIDDI ATEEQ AHMAD SIDDIISMAIL
VERSUS
THE STATE OF MAHARASHTRA THR PUBLIC WELFARE
DEPARTMENT NANDED AND ANOTHER**

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Mr. S. S. Shaikh, Advocate for Petitioner
Mr. S. G. Karlekar, AGP for Respondent No.1 – State
Mr. S. V. Kulkarni, Advocate for Respondent No.2

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21.08.2023

PER COURT :-

1. On 08.08.2023, we had passed the following order:-

“1. We have heard the submissions of the learned Advocates for the respective sides.

2. We have noticed that the Municipal Corporation has issued a Birth Certificate to the Petitioner considering the application tendered by his father on 06/05/2006, wherein his date of birth is indicated as 14/08/2004. We have perused the Petitioner’s passport placed on record. The passport was first issued to the Petitioner for the period of 15/10/2009 until 14/10/2014, when he was around 5

years old and his date of birth in the passport is shown as 14/08/2004. Though the passport office has passed an order on 29/09/2021, the Petitioner has reacted by filing this petition on 27/07/2023, since he has acquired admission to a Medical College in Russia.

3. *On 20/08/2019, the Petitioner obtained a Birth Certificate from the Grampanchayat Office, Mauje Limbgaon, Tq and Dist. Nanded, indicating his date of birth as 14/08/2005 and the date of registration is shown to be 18/08/2005. As such, it is necessary for us to go through the original documents of the Grampanchayat, Limbgaon, as well as the Municipal Corporation.*

4. *Leave to add the 'Grampanchayat, Limbgaon' as Respondent No.3. Addition be carried out forthwith.*

5. *Issue notice to the Respondents, returnable on 21/08/2023. The learned A.G.P and the learned Advocate Shri. Kurundkar, waives service of notices on behalf of Respondent Nos. 1 and 2, respectively. Hamdast is granted on request to serve Respondent No.3.*

6. *We direct the Municipal Corporation as well as the Grampanchayat that the original records in relation to the Petitioner, shall be produced before us on the returnable date.*

7. *This matter would appear in the 'urgent' category."*

2. The learned Advocate Shri Kurundkar has placed before us the original copy of the birth report in Form No.1 recorded by the Nanded Waghala City Municipal Corporation, Nanded on 06.05.2006.

The father of the Petitioner has signed as the informant. The birth date of the Petitioner is recorded as 14.08.2004. A birth certificate has been accordingly issued to the Petitioner.

3. The learned Advocate for the Petitioner sought a pass over. Thereafter, when the matter was called out, he submits on specific instructions from the Petitioner that this Court may declare that the date of birth of the Petitioner in the light of the original record of the Municipal Corporation, is 14.08.2004.

4. In view of the above, this **petition is disposed off** with a declaration that the Petitioner's date of birth for all purposes shall be 14.08.2004. He would be precluded from approaching any authority, office or Court for seeking correction in the said date of birth, any time in future. Pending applications before any authority, if any, shall stand disposed off.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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