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

25 WRIT PETITION NO.12166 OF 2023

**SANJIV PRATAPRAO PATIL (SONWANE)
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

....

Mr H. P. Randhir, Advocate for Petitioner;
Mr P. K. Lakhotiya, A.G.P. for Respondent No.1
Mr S. R. Dheple, Advocate for Respondent No.2

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

DATE : 23rd October, 2023

PER COURT:

1. The Petitioner joined duties as a 'Teacher' with the Zilla Parishad School on 09/08/1991. He is due to retire on 31/10/2024. He now takes exception to his date of birth '01/11/1966' by contending that his date of birth should have been 11/12/1967. It is further contended that, his elder brother Arvind is born on 01/06/1966.

2. The school record of the Petitioner indicates his date of birth as 01/11/1966 and he joined the School in the 1st Standard on 27/06/1972 when he was 5 years complete. He left the school on 12/06/1976 when he completed 5th Standard

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education. The authority from the Tahsildar office at Dhule has issued a communication dated 18/05/2023, addressed to the Petitioner, informing him that, his name does not appear in the Birth and Death Register for the year 1967.

3. The learned Advocate representing the Zilla Parishad cites the judgment of the Hon'ble Supreme Court in the matter of **Karnataka Rural Infrastructure Development Limited Vs. T.P. Nataraja and others, (2021) 12 SCC 27**, wherein the Hon'ble Supreme Court has concluded in paragraph No.11, as under :-

“11. Considering the aforesaid decisions of this Court the law on change of date of birth can be summarised as under:

(i) application for change of date of birth can only be as per the relevant provisions/regulations applicable:

(ii) even if there is cogent evidence, the same cannot be claimed as a matter of right;

(iii) application can be rejected on the ground of delay and laches also more particularly when it is made at the fag-end of service and/or when the employee is about to retire on attaining the age of superannuation.”

4. In view of the above, seeking change in the date of birth with 12 months for the Petitioner to superannuate, we would

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not entertain this Writ Petition in the light of Karnataka Rural Infrastructure Development Ltd. (supra). **The Writ Petition is, therefore, dismissed.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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