

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11153 OF 2022

Shri. Ranjeet Shantaram Kamble

.....Petitioner

V/s.

The State of Maharashtra, thr.

Government Pleader and Ors.

.....Respondents

Mr. Suhas B. Rohile, for the Petitioner.

Mrs. R. A. Salunkhe, AGP for the Respondent/State.

Mr. Atish S. Kaningdhvaj, for the Respondent No.3.

**CORAM : S.V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.**

DATE : 18th APRIL, 2023.

PC. :

1. The name of respondent No.4 is already deleted under order dated 21st September, 2022.

2. The petitioner had filed original application challenging the appointment of respondent No.3 as Police Patil. The petitioner secured 70 marks. The respondent No.3 secured 73 marks. The respondent No.3 is appointed as Police Patil. The appointment is for a tenure of five years. The same has come to an end.

3. Learned advocate for the petitioner submits that the proclamation was issued on 06.06.2017. On the date of the proclamation the candidate was required to complete 25 years of age.

The date of birth of the respondent No.3 is recorded as 2nd July, 1992 in the school record as well as college record. The said aspect has not been considered in correct perspective. The SDO who has conducted an inquiry and also found that the certificate produced of Nowrosee Wadia College, Pune is manipulated. The date of birth of the respondent No.3 is recorded as 2nd July, 1992. The same is manipulated and changed the date of birth as 2nd May, 1992. The Tribunal has failed to consider the said aspect. The certificate produced of Nowrosjee Wadia College, Pune is forged one. The same could not have been considered by the respondents.

4. We have considered the submissions.

5. The SDO has conducted an inquiry. In the inquiry, he found that the college record of Nowrosjee Wadia College, Pune with regard to the date of birth of the respondent No.3 in the school leaving certificate is manipulated which was mentioned as 2nd July, 1992 and the same was changed 2nd May, 1992. The Tribunal has considered the record maintained under the provisions of the Registration of Births and Deaths Act by the Gram Panchayat. The date of birth of respondent No.3 in the said document is recorded as 11th April, 1992. The Tribunal has observed that the same would have presumptive value. The record maintained under the provisions of the Births and Deaths Registration Act has been relied by the Tribunal.

The same appears to be reasonable and rational. The Tribunal has considered the said aspect. The tenure of the respondent No.3 has also come to an end. It is for the State authorities to take appropriate steps hereinafter.

6. The writ petition is accordingly disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)