



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

**Misc. Civil Application (MCA) No. 833 of 2022
in
Writ Petition No. 1015 of 2018**

**Mayaram S/o Sahajram Sadhwani
Versus
The Collector, Washim, Dist. Washim and others**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.S.Sadhwani, applicant in person
Ms. H.N.Jaipurkar, AGP for the respondent/State.
Shri P.P.Deshmukh, Advocate for the respondent no.2.

CORAM : ANIL S. KILOR, J.

Reserved on : 6th October, 2023.

Pronounced on : 29th November, 2023.

Heard.

2. This is a review petition seeking review of the judgment dated 15th September, 2022 passed in Writ Petition No. 1015 of 2018, dismissing the writ petition and thereby upholding the order of the Collector and the Divisional Commissioner, setting aside the order passed by the respondent no.2 Chief

Officer treating the date of birth of the petitioner as 14th July, 1948 and thereby holding that the date of birth of the petitioner is 14th July, 1946.

3. The review is sought on the following grounds:

a. The petitioner joined the service in 1971 and till the year 2005, the Municipal Council had made inquiries about his date of birth. The petitioner had responded to the inquiries by explanation notesheet dated 21st June 1989 and notesheet dated 21st June 1993, the Municipal Council had accepted his explanation. However, at the end of the petitioner's service career, the Municipal Council wrongly treated his date of birth as 14th July, 1946 and retired him retrospectively from 31st July 2004.

b. The above said notesheets and its contents were not denied by the respondent No.2, respondent No.3, but inspite of this the notesheets were not considered by the respondent No.4-Commissioner.

c. The said note sheet dated 21st September 1989 has been orally denied for the first time by the counsel for respondent No.3-Municipal Council on 19th July before this Hon'ble Court.

d. The Maharashtra Civil Services (Conditions of Service) Rules, 1981 and Government Circular

stipulated that there can be no alteration in date of birth of an employee after five years of entry into service.

e. The very first note sheet dated 30th December 1971 which was 34 years old document, and it could not be traced earlier, and when it was found/traced in the old and scattered record, it was filed on record as Annx-z-2, specifying the reason for not filing it earlier. The petitioner alleges that the Municipal Council has suppressed several documents related to his date of birth, including a note sheet dated 30th December, 1971, a second note sheet dated 21st September, 1989, and other documents related to his date of birth. The petitioner also alleges that the Municipal Council has failed to supply these documents to him under RTI despite an order from the State Information Commissioner.

f. That the date of birth 14th July, 1946 of the petitioner wrongly recorded in the M.C primary school record and this wrong date of birth was carried over to other institutions including the said K.N.College.

g. The petitioner argues that the Municipal Council is relying on certificates that are based on his incorrect date of birth, and that this action is illegal and against the principles of natural justice.

h. The entry of correct date of birth 14th July, 1948 is recorded by father of the petitioner in the old Panchang of the year (Annx.H) which was purchased at the time of petitioner birth for preparing horoscope.

4. In the light of grounds raised by the petitioners, I have perused the judgment dated 15th September, 2022.

5. This Court while dismissing the writ petition has considered and answered all the above referred grounds including the ground raised in light of judgment of the Hon'ble Supreme Court of India in the case of Shankar Lal Vs. Hindustan Copper Limited and others dated 20th April, 2022 passed in Civil Appeal No. 2858 of 2022. Thus, it appears that it is not the case of the petitioner that certain points which were argued but not decided or certain findings were recorded contrary to the record.

6. As far as the submission of the petitioner in respect of note sheet, this Court has already held that the material on record creates serious doubt about the only document on which the petitioner relied while entering into service.

7. Moreover, the explanation given by the petitioner as regards note sheet raises disputed question

of facts about its veracity, in which this Court cannot enter into.

8. As far as other points are concerned while rejecting the argument of the petitioner, this Court has recorded the reasons in detailed and since the reasons recorded by this Court are just and proper, I do not find any error committed by this Court which can be termed as error apparent of the face of the record.

9. In the circumstances, considering the limited scope of review, I do not find any merit in the present review petition. Accordingly, Misc. Civil Application is dismissed.

[ANIL S. KILOR, J.]