



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2362 OF 2024

Suresh Balkrishna Kulkarni
Age: 55 years, Occu.: Service,
R/o.Gat No.452, Plot No.51,
Narayan Nagar, Pandurang Wadi,
Sambhaji Nagar, Jalgaon,
Tq. And Dist. Jalgaon.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary, Ministry of
Education and Sports, State of
Maharashtra, Mantralaya, Mumbai.
2. The Collector, Jalgaon,
Collector Office Premises, Jalgaon.
3. The Chief Registrar of Birth and Deaths,
State of Maharashtra, Mumbai.
4. The District Registrar of Births and Deaths,
Jalgaon, Collector Office Premises,
Jalgaon.
5. The Tahsildar Jalgaon
Tahsildar Office Premises, Jalgaon,
Tq. And Dist. Jalgaon.
6. The Education Officer (Secondary)
Zilla Parishad Jalgaon,
Tq. And Dist. Jalgaon.
7. Shikshan Prasarak Mandal, Jalgaon,
Through President,
Shikshan Prasarak Mandal, Jalgaon.
8. Shet. Lalji Narayanji Sarvajanik
Vidyalay Jalgaon,
Through Head Master,
Shet Lalji Narayanji Sarvajanik
Vidyalay Jalgaon,
Jalgaon, Tq. And Dist. Jalgaon.

.. RESPONDENTS

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Mr. M. M. Bhokrikar, Advocate for petitioner.
Mr. S. K. Shirse, AGP for respondent Nos.1 to 6 – State.
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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : FEBRUARY 29, 2024.

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. The petitioner, who is on the verge of retirement to the post of teacher, is making these last minutes efforts to get his birth date corrected in the record. The petitioner prays that this Court should then exercise its constitutional powers for quashing and setting aside the order dated 18.10.2023 passed by respondent No.6 Education Officer (Secondary), Zilla Parishad, Jalgaon, who rejected the proposal for correction of the birth date of the petitioner.

2. The petitioner has come with the case that his actual birth date is 19.03.1968. His horoscope was immediately prepared containing the birth date. It appears that at the time of admitting him to the school, the date of birth was incorrectly stated as 01.06.1966 in Zilla Parishad Primary School, Bornar, Taluka and District Jalgaon. It reflected as it is, throughout his schooling and career. He came to be appointed as Assistant Teacher on 18.09.2001 in respondent No.8 School, which is run by respondent No.7. Approval was granted to his appointment. When it was noticed that the petitioner is going to retire within two

years, a proposal was submitted by him for the correction of his birth date. It was then forwarded to respondent No.6. The petitioner also contends that if the birth date is not corrected, then he would suffer heavy financial loss. When his actual birth date is different i.e. 19.03.1968, then he cannot be allowed to retire at the age of 56.

3. Heard learned Advocate for the petitioner and perused the record. The case is not even worth issuing notice for the simple reason that till 17.10.2023, the petitioner never made any attempt to get his birth date corrected. He was serving as a teacher and, therefore, it cannot be said that he is a layman. At the time of his initial admission in the school, his birth date has been stated as 01.06.1966. It reflected in his entire school record, which was then verified at the time of his appointment, his approval as Assistant Teacher and then as Shikshan Sewak. Only at the fag end, it cannot be said that the said birth date deserves to be corrected.

4. Learned Advocate appearing for the petitioner relied on the decision of this Court Bench at Nagpur in **Shivam Ramshiromani Dwivedi Vs. Central Board of Secondary, [AIR Online 2019 Bom. 2028]**, wherein birth date was allowed to be corrected, as it would become hurdle for the petitioner while obtaining visa. Here, in this case, the petitioner has not stated that he has intention to go abroad and furthermore when throughout his school record his birth date is

01.06.1966, then it will not create any kind of hurdle in obtaining visa. The allegedly kundli cannot be gone into and the certified copy of the birth register would show that one Balkrushna Pralhad's son was born on 19.03.1968, however, surname is missing. The caste cannot be gathered, as it is mentioned as 'ही' or 'टी' as it is appearing. Only on the basis of this extract, it cannot be said that it is pertaining to the petitioner, as his name is not reflected.

5. The petition squarely suffers from delay and laches. When petitioner himself is a teacher and had come across various documents in which his date of birth was reflected, yet there was no attempt by him to get it corrected, we do not find this to be a fit case where we should exercise our constitutional powers. Hence, the writ petition stands dismissed at the threshold.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm