



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

991 WRIT PETITION NO. 4325 OF 2024

RUTURAJ MAHAVIR NAWALE THROUGH GUARDIAN
MAHAVIR LAXMINARAYAN NAWALE

VERSUS

THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. Muthal Mahesh L.
Advocate for Respondent No. 1 : Ms. Sudha Chintamani
Advocate for Respondent No. 2 : Mr. Swapnil Joshi
Advocate for Respondent No. 3 : Mr. S.S. Thombre
Advocate for Respondent No. 4 : Mr. D.V. Manwatkar

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 08 AUGUST 2024

PER COURT :

We have heard both the sides finally.

2. The applicant is seeking correction in the date of birth mentioned in the 10 standard marks-sheet issued by respondent no. 2 – Board. It transpires that the extract of code applicable to respondent no. 2 – Board, provides in clause 69.2 (3) as under :

“69.2 Change/Correction in Date of Birth

(i)

(ii)

(iii) Request for correction in Date of Birth shall be forwarded by the Head of the School alongwith attested Photostat copies of :

(a) application for admission of the candidate to the School;

(b) Portion of the page of admission and withdrawal register where entry in date of birth has been made alongwith attested copy of the Certificate issued by the Municipal Authority, if available, as proof of Date of Birth submitted at the time of seeking admission; and

(c) the School Leaving Certificate of the previous school submitted at the time of admission.

(iv)"

3. Apparently, the admission form of the petitioner mentions his date of birth as 09 April 2006. Even the school leaving certificate of the previous school Gurukul English School Beed, mentions his date of birth as 09 April 2006. The birth certificate, issued by the Registrar, Birth and Death Registration Department, Gram Panchayat Rui, Taluka Georai, District Beed, mentions about same birth date and having been registered on 28 April 2006.

4. It is apparent that, as contemplated under sub clause 3 of clause 69.2, *prima facie*, the petitioner's correct date of birth as recorded in the birth and death record maintained by the local body, his admission form and even the birth date recorded in his previous school was 09 April 2006. If this is the situation, it would appropriate for the respondent no. 2 – Board to consider the request forwarded by the respondent no. 4 – Headmaster for

correction of the date of birth under clause 69.2 (3) by undertaking an objective scrutiny as contemplated therein. Simply rejecting the request by cursorily referring to some record forwarded by school would not suffice.

4. This is not an adversarial litigation, if there is no error on the part of the petitioner, he cannot be made to suffer for the lapses of someone else. When the Board is vested with the power, it is imperative that it undertakes scrutiny and takes the decision objectively.

5. We allow the writ petition partly. The impugned communication is quashed and set aside. We direct the respondent no. 2 to undertake objective scrutiny afresh and decide the request on its own merits and in light of clause no. 69.2 (3), as expeditiously as possible and in any case within a period of four weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Thakur-Chauhan/-