



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4605 OF 2024

Sampat s/o Genu Hande,
Age-58 years, Occu:Service,
R/o-At-Manyale, Post-Bramhanwada,
Taluka-Akole, District-Ahmednagar.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Madam Kama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai-32,
- 2) The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Taluka and District-Ahmednagar,
- 3) The President / Secretary,
Agasti Education Society,
Mumbai C/o- Agasti Vidyalaya,
Akole, Taluka-Akole,
District-Ahmednagar.

...RESPONDENTS

...
Mr. Amol N. Kakade Advocate for Petitioner.
Mr. K.S. Patil, A.G.P. for Respondent Nos. 1 and 2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 2nd MAY, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed challenging the impugned order dated 24th April 2024 passed by respondent No.2 refusing to correct the birth date of the petitioner.

2. The petitioner, who was serving as In-charge Headmaster, has filed an application dated 28th December 2023 for change of his birth date. He contends that his father was illiterate and was an agriculturist. As per the school record of the petitioner his birth date is 1st June 1966. However, recently he had seen the documents from Tahsil Office relating to birth and death entries, that his birth date is 25th February 1968. Accordingly, petitioner has made application on 28th December 2023. The application has been rejected on the ground that there is considerable delay. The petitioner would be retiring from his service on 31st May 2024 and therefore, he prays that the correction in the birth date be effected.

3. Heard learned Advocate Mr. Kakade for the petitioner and learned AGP Mr. Patil for respondent Nos. 1 and 2.

4. It is to be noted that the petitioner came to be appointed as assistant teacher by order dated 11th June 2000 with effect from 13th June 2000. The qualification of the petitioner at the

time of appointment was M.A. B.Ed. Thus, it can be seen that he is not a lay man. On the basis of some entry which is said to be birth and death register maintained with Tahsil office, petitioner claims that his actual birth date is 25th February 1968. Though some leniency can be given to the fact that the father was illiterate and at the time of admitting the petitioner in the school some date might have been given, but it is hard to believe that till the age of superannuation the petitioner had no knowledge at all about the same. Why and how the petitioner came across the documents from Tahsil office, has not been explained by him. There was no hurdle for him to get that record in the past. Any such change in the service record can be made within the first five years of the appointment as per the Maharashtra Civil Services (General Conditions of Services) Rules and therefore, for such belated attempt, it cannot be said that this Court should exercise its constitutional powers. For the aforesaid reasons the Writ Petition deserves to be rejected.

5. Accordingly, the Writ Petition stands rejected.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE