



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**954 WRIT PETITION NO. 7985 OF 2024
(Board dt.30.07.2024)**

**RUPALI KAMALSINGH PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Shri Thombre Chandrakant V., Advocate for the Petitioner.
Shri A.B. Girase, GP for Respondent Nos.1 and 2/State.
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st August, 2024

Per Court :-

1. The entire school record of the Petitioner for the last 40 years, indicates her date of birth as 05.06.1984. On 17.01.2022, the mother of the Petitioner approached the hospital known as Magan Clinic, Maternity and Nursing Home, Machali Khadak, Chhatrapati Sambhajinagar, of Dr.Usha A. Shroff, for seeking a certificate. Dr.Usha A. Shroff issued the Birth Certificate dated 17.01.2022, stating therein that the mother of the Petitioner delivered a female child, on 28.02.1986.

2. The Petitioner then approached the Municipal Corporation, Chhatrapati Sambhajinagar, for issuance of the birth certificate, when she was already 38 years old and the Municipal Corporation issued the certificate dated 11.03.2022, indicating her date of birth as 28.02.1986. The Petitioner is working as a Teacher in the School at Chhatrapati Sambhajinagar. The Petitioner then approached the Maharashtra Government for change in the date of birth and got the said change published in the Maharashtra Government Gazette dated February 2 to 8, 2023. There is no dispute that the disclaimer clause in the Maharashtra Gazette indicates that *“Government accepts no responsibility as to the authenticity of the contents of the notice. Since they are based entirely on the application of the concerned persons without verification of documents”*. Time and again, we have held that this Maharashtra Government gazette is no evidence and cannot be relied upon.

3. For the last 40 years, the entire School, College and Service record of the Petitioner indicates her date of birth as 05.06.1984. This issue has been dealt with by the Full Bench of this Court in ***Janabai d/o. Himmatrao Thakur Vs. State of***

Maharashtra & Others, 2019(6) Mh.L.J.769 (FB) and it is

concluded in paragraph 39 (a to d) as under:-

- “39. *This being the position, We answer Question Nos. (A) & (C) in the following terms :*
- (a) An application for alteration in the entries in the General Register is permissible, with the previous permission of the appropriate authority at any time when the pupil is attending the school.*
 - (b) No application for alteration in the figure of date of birth is permissible, after the student has left secondary school, except correction in the nature of 'obvious mistakes' as indicated in Clause 26.3 i.e. of a nature where the date of a particular month which does not exist in the calendar and likewise.*
 - (c) Thus, in light of the above, an application for change in the name, surname or caste, either due to reasons / cause unnoticed before or even occurring subsequently, being errors which fall within the category of 'obvious mistakes', can be made, even after the student has left school in light of the language of Clause 26.3 in the manner as indicated by Appendix Six in the forms as prescribed in the S.S. Code.*
 - (d) For the purposes like admission to another educational institution, in cases of obvious mistakes as prescribed in Clause 26.4, a change/ correction in the school leaving certificate, so as to make the entry consistent with the corresponding entries in the General Register of the School is permissible, which in fact is in consonance with (c) above.*

4. It is, therefore, clear to us that there is no obvious mistake in the date of birth of the Petitioner. Consistently and without an exception, her date of birth is shown as 05.06.1984.

However, on the basis of the certificate issued by Dr.Usha Shroff, the birth date is sought be altered to 28.02.1986. We could have issue a notice to Dr.Usha A. Shroff, calling for an explaining as to why she has issued the said birth certificate. However, the learned Advocate for the Petitioner prays that the issue may be closed at this stage and a quitus may be given. On his request, we are not proceeding any further.

5. In view of the above, **this Writ Petition is dismissed.**

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)