



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 WRIT PETITION NO. 8728 OF 2024

RAFIQ PATHAN MUSALMAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

.....
Advocate for the Petitioner : Mr. Kalyan Patil h/f. S.R. Barlinge
AGP for Respondents/State : Mr. V. M. Kagne
.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 19th August, 2024

PC. :-

1. By this Petition, the Petitioner who is presently 51 years of age, desires to get his recorded date of birth 01.06.1973, corrected to 21.11.1975. He is in employment with the Zilla Parishad.
2. We have perused the certificate issued by the Assistant Block Development Officer, Panchayat Samiti, Chalisgaon, vide which the Register of Birth and Death maintained by Panchayat Samiti does not indicate the date of birth of the Petitioner. The School in which the Petitioner got entry on 29.06.1979, indicates his date of birth as 01.06.1973. If the Petitioner's contention that his date of birth 21.11.1975, is to be accepted, his entry in school would be at the age of 3 years and 7 months. This is not only

unbelievable, but improbable, in a village. The school leaving certificate of Madhyamik Vidyalala, Hirapur Tq. Chalisgaon also indicates the date of birth of the Petitioner, as 01.06.1973. The S.S.C. certificate indicates the date of birth as 01.06.1973.

3. Considering the series of documents which have statutory and presumptive value, the date of birth of the Petitioner, is 01.06.1973. His entry in school in the 1st standard would be at the age of 3 years and 7 months, if the Petitioner's contention is accepted. The freshly acquired birth certificate dated 01.06.2023, from the Health Department of the Panchayat Samiti, Chalisgaon carries the date 21.11.1975. Such certificates pitted against the School Leaving Certificate (Zilla Parishad Prathmik Shala Hirapur Boys School), lends credence that the Petitioner is making an attempt to manufacture documents when the original school record indicates that he was of 6 years of age when he was admitted in the school in the first standard.

4. Keeping in view the law laid down by the Full Bench of this Court in **Janabai d/o Himmatrao Thakur V/s. State of Maharashtra & Ors.; 2019 (6) Mh.L.J. 769**, we do not find any reason to entertain this Petition, more so in view of the attempt made by the Petitioner to play a fraud on the Court.

5. **This Writ Petition is, therefore, dismissed.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]