



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.690 OF 2024

Usha Shantinath Khot

...Petitioner

Versus

The State Of Maharashtra Thr

The Secretary School

Education And Sports Dept. And Anr.

...Respondents

...

Adv. S. B. Patil for the Petitioner.

Adv. K. S. Thorat, B Pnl for the Respondent State.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 14th DECEMBER, 2024

Per Court :-

1. By this Petition, the Petitioner desires that her date of birth should be changed from 30th December, 1966 to 30th December, 1967.

2. The Petitioner's entire school records indicates her date of birth as 30th December, 1966. The college record also indicates the same date. While joining duties as an assistant teacher, the same date has been entered. She is due to superannuate on 31st December, 2024. At the fag end of the service, she desires that this Court should pass an order and grant a change in the date of birth.

3. The Petitioner had approached the learned Judicial Magistrate First Class, Jaysingpur, Taluka Shirol, District Kolhapur (Shri. Anand D. Karbhajan) by filing a Criminal Miscellaneous Application No.253 of 2021. We find that the said Application was made purely for a direction to the Registrar, Birth and Death Department, Jaysingpur Municipal Council for recording the date of birth of the Petitioner. The reason cited was that the original register of 1967 had got torn and was spoiled on account of passage of time. With this reason, a direction was sought which was granted by the learned JMFC vide order dated 16th February, 2022. In a cryptic order, practically without reasons, the learned JMFC permitted the registration of a different date of Birth. We find in the order of the learned JMFC dated 16th February, 2022 that he has not even cared to assess as to what is the clear and convincing evidence to support the Application. It appears that the order has been passed at the 'mere askance.'

4. Ex-facie, we can notice a mischief by the Petitioner. She got her new date of birth as 30th December, 1967 registered with the Municipal Council Jaysingpur on 9th March, 2022. On the same date, she received the birth certificate.

5. Be that as it may, no employee can be permitted to seek correction in the date of birth after 5 years of joining employment. The Petitioner appears to have got the records created in 2022. This Court cannot be a party to such process of seeking a correction, when the Petitioner is 16 days away from retirement. This is most unexpected of a teacher to indulge in such acts.

6. In view of the above, **this Petition is dismissed with cost of Rs. 25,000/-**. A copy of this order be placed before the Deputy Director Education, Kolhapur for ensuring that the said amount is recovered from the Petitioner from her retiral benefits, keeping in view that she is due to retire on 31st December, 2024 and the amount be deposited in this Court. The registry shall transfer the said amount to the Kirtikar law Library in the Bombay High Court at Mumbai.

7. The learned Registrar (Judicial-I) shall place a copy of this order before the learned Principal District Judge, Nagpur considering that the learned Judge Shri. Anand D. Karbhajan is appointed as the 3rd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur, for needful counseling.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)