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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4113 OF 2022**

Uttam Muralidhar Mudholkar Petitioner.

V/s

The State of Maharashtra and Ors. Respondents

Mr. Pradeep J. Thorat a/w Mr. Rushikesh S. Kekane for the Petitioner.
Mr. Kiran Bapat, Senior Advocate i/b Mr. Aumkar Joshi for Respondent
No.3.

Mr. B.V. Samant, Addl. G.P. a/w Ms. Kavita N. Solunke, AGP for
Respondent Nos. 1 and 2.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 22nd MARCH, 2024

P.C.:-

1] The challenge raised in this writ petition is to the communication dated 06/08/2021 that has been issued by the Department of Law and Justice as addressed to the Registrar General of the High Court wherein it has been stated that the correction in the date of birth of the Petitioner from 16/07/966 to 16/07/1967 cannot be undertaken in view of the provisions of Rule 38(2)(f) of the Maharashtra Civil Services (Conditions of Service) Rules, 1981. It appears that in the Birth Certificate of the Petitioner, his date of birth is shown as 16/07/1967 while in his School Leaving Certificate, same has been shown as 16/07/1966.

2] Prima facie it is seen that unless the date of birth that has been stated to be incorrectly recorded in the Petitioner's school record is corrected, further consequential steps with regard to correction of date of birth in the Petitioner's service record would not be possible.

3] At this stage, learned Counsel for the Petitioner seeks leave to implead the School that has issued the School Leaving Certificate to the Petitioner. Leave is accordingly granted. Impleadment be carried out forthwith.

4] We find that the Petitioner has made a representation to the Respondent No.4 – School on 23/02/2024 seeking correction in his date of birth as mentioned in the School Leaving Certificate. Since such representation has been made, we would expect the School to consider the same in accordance with law expeditiously. The Petitioner is free to pursue the said representation. In case the Petitioner's request for correction of date of birth in the School Leaving Certificate is accepted, he is at liberty to bring the same to the notice of the concerned Respondent for further steps to be taken. In case such request is not accepted by the School or by any other Respondent, the Petitioner is free to adopt appropriate legal recourse in accordance with law. Points raised in that regard are kept open.

5] The Writ Petition is disposed of in the aforesaid terms.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]