

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17441 OF 2024

Vijay Shivaji Fasale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Umesh Pawar, Advocate for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Ms. P.J. Deshpande, AGP for the
Respondent – State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 5th DECEMBER, 2024

FINAL ORDER (PER : RAVINDRA V. GHUGE, J.)

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1. By this Petition, the Petitioner prays that Respondent No.5 should grant permission to correct the date of birth of the Petitioner as 2nd June, 1972, in his service book. It is further prayed that such a direction be issued so as to be carried out within four weeks.

2. The Petitioner joined Employment with Respondent No.6 Institution as a Clerk on 16th June, 1997. His date of birth was entered in the service book as 2nd June, 1968. Having put in 27 years in service, now the Petitioner desires that his date of birth should be

changed to 2nd June, 1972, thereby making him 4 years younger.

3. The school record of the Petitioner indicates his date of birth as 2nd June, 1968. He took admission in the 'late Pandurang Sakharam Patil Vidyalaya Tambave, Taluka Walwa, District Sangli' which was operated by the Kasegaon Shikshan Sanstha, Kasegaon, on 23rd June, 1981. He left the school on 31st May, 1984, after passing his 10th Standard. If the date of birth of the Petitioner is taken as 2nd June, 1972 only for the sake of assumption, it would mean that the Petitioner had passed his 10th Standard in March/April, 1984 at the age of 11 years and 9 months, thereby meaning that he was admitted in the 1st Standard in school, in June 1973 when he was one year old.

4. The time has come for this Court to ensure that litigants who attempt to hoodwink the Court, should realize that they should not file chance cases for invoking the Writ Jurisdiction of the Court. So also, the Petitioner is working as a Clerk in an Educational Institution, and he should not carry the impression that he can get away with an order by hoodwinking the Court. Such message must go out loud and clear.

5. This **Writ Petition is dismissed** with cost of Rs.25,000/-.

We are directing the Education Officer (Secondary), Zilla Parishad, Sangli to inform the Management of Respondent Nos.6 and 7, to ensure that the amount of Rs.25,000/- is deducted from the salary of the Petitioner and is deposited in this Court, within 45 days from today. The said amount shall be transferred by the Registry of this Court to the Kirtikar Law Library.

6. Since we are informed that the Sub Divisional Officer, Miraj Namely Shri. Uttam Dighe has passed an order dated 22nd February, 2024 and corrected the date of birth of the Petitioner, we are directing the District Collector, Sangli to issue notice to the Sub Divisional Officer, Tasgaon and call for an explanation, as to how he could record the date of birth as 2nd June, 1972, which would put the Petitioner in the 1st Standard in the school at the age of one year, and pass the 10th Standard at the age of 11 years and 9 months. After hearing the Sub Divisional Officer, Sangli and by following the due procedure laid down in law, we leave it to the District Collector, Sangli to take an appropriate decision in the matter.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)