

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.6847 OF 2024

Dnyaneshwar Baban Katkar

.. Petitioner

Versus

The Director General and Inspector
General of Police, Mumbai & Anr.

.. Respondents

Mr.A.Y. Sakhare, Senior Advocate i/by Mr.Gaurav Bandiwadekar for the petitioner.

Ms.Kavita N. Solunke, AGP for respondent-State.

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

DATE : 9th May 2024

PC:-

. The petitioner is aggrieved by the order of the Maharashtra Administrative Tribunal dated 2nd May 2024 rejecting the Original Application wherein a prayer was made to correct his date of birth from 1st June 1966 to 24th December 1968.

2. Issue notice, returnable on 13th June 2024. Ms.Solunke, learned Assistant Government Pleader waives service of notice for the respondent-State.

3. The petitioner's date of birth was recorded as 1st June 1966 on the basis of documents supplied by him. He initially sought correction merely on the strength of his father's affidavit as mentioned in his applications dated 29th May 1995 and 28th November 1996. It is only after his date of birth was directed to be corrected by the learned

Judicial Magistrate, First Class under the provisions of the Registration of Births and Deaths Act, 1969 vide order dated 19th January 2022 that the application dated 23rd October 2023 came to be made.

4. Prima facie, we find that after the petitioner made applications dated 29th May 1995 and 28th November 1996 seeking correction of his service records, there was total inaction on the part of the petitioner till a fresh application came to be made after about twenty-five years on 23rd October 2023. Since there is no explanation for the inaction of the petitioner from 1996 till 23rd October 2023, we do not find any case to grant interim relief. It is to be noted that if on the strength of interim order, the petitioner serves and his challenge is subsequently turned down, the situation cannot be reversed. On the other hand, if the petitioner succeeds, he would be entitled to seek consequential relief in accordance with law. This position has been recognised in *State of Punjab and others vs. S.C. Chadha, (2004) 3 SCC 394*.

5. Hence, the prayer for interim relief is rejected.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.