

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO.2399 OF 2024

Dr. Reyna Rajendra Mehta D/o Shri
Rajendra Mehta, Aged 26/25 years,
Indian habitant, resident of Flat No. 501,
Gala Apartments Co-Operative Housing
Society Ltd., Bhai Bal Mukund Marg,
Opp. Jaihind Cinema, Chinchpokli,
Mumbai-400012.

...Petitioner

Versus

1. Deputy Director of Education, Mumbai
Region, Netaji Subhash Chandra Bose Marg,
Bal Bhawan, Charni Road,
Mumbai 400004 (Maharashtra).
2. Education Officer, South Mumbai Zone,
Nirlep House, 429, "E Vita Annex"
Building First Floor, GD Ambedkar
Road, Parel, Mumbai-400012.
3. Divisional Chairman / Secretary,
Maharashtra Board of Secondary &
Higher Secondary Education, Divisional
Board Mumbai, Plot No. 28, Sector No.16-A,
Vashi, Navi Mumbai 4007031,
(Maharashtra).
4. The Registrar,
Maharashtra University of Health Science,
Mhasrul, Vani Dindori Road,
Nashik 422004 (Maharashtra).
5. The Secretary,
Director of Medical
Education & Research, Mumbai, Govt.,
Dental College & Hospital Building, ST.
George Hospital Compound, Near Chhatrapati

Shivaji Terminus, Mumbai-400001
(Maharashtra).

6. St. Anne's High School,
Madame Cama Road, Fort,
Mumbai 400001, (Maharashtra)
through The Principal.
7. Jaihind College, Basantsing Institute of
Science, JT Lalwani College of
Commerce, 'A' Road, Churchgate,
Mumbai 400020 (Maharashtra),
through the Principal,
8. Kishanchand Chellaram College,
Dinshaw Wacha Road, Mumbai
400020 (Maharashtra),
through the Principal,
9. The Dean, Rajiv Gandhi Medical
College, Chhatrapati Shivaji Maharaj
Hospital, Thane - Belapur Road, Kalwa,
Thane 400605 (Maharashtra).
10. State of Maharashtra. ...Respondents

Mr.Prashant Phophale i/by PMH Law for the petitioner.
Smt.Jaymala Ostwal, Addl GP for respondent-State.
Mr.Kiran Gandhi i/by Little & Co. for respondent no.3.

***CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.
Date : 9th May 2024***

Judgment (Per Jitendra Jain, J.) :-

. Rule. Smt.Ostwal, learned Additional Government Pleader
waives service for respondent-State and Mr.Gandhi, learned counsel for

respondent no.3. By consent of the parties, the petition is heard finally.

2. By this petition under Article 226 of the Constitution of India, the petitioner seeks appropriate directions against respondent no.6-School for correction of her date of birth in the school record.

3. The petitioner is a qualified Doctor. In and around January 2022, the petitioner while going through various documents and certificates realised that the birth certificate (which was in Gujarathi language) records date of birth of the petitioner as 4th October 1997 whereas in the certificates/documents issued by the respondent no.6-School, the date of birth recorded is as 4th October 1998. On realising the same, the petitioner made an application to respondent no.2-Education Officer, who vide letter dated 23rd March 2022 informed that the date of birth cannot be changed. On 22nd August 2023, pursuant to an application made by the petitioner to respondent no.6-School, she was informed by the said School that they do not have authority to make any changes in the date of birth. It is on this backdrop that the petitioner is before us.

4. The petitioner submits that since the birth certificate was in Gujarathi language, a mistake appeared in recording of the same. The

correct date of birth was 4th October 1997. The said mistake continued in the School records. The petitioner submits that in other documents like Passport, Pancard, the correct date was mentioned is 4th October 1997. The petitioner submits that the respondents were not justified in refusing to correct the date of birth.

5. Per contra, the Counsel for respondent no.3-Board of Secondary and Higher Secondary Education submitted that the correct procedure for carrying out the rectification of the date of birth is prescribed in Secondary Schools Code, 2011 and he has fairly pointed out that the issue is concluded by the judgment of the Full Bench of this Court in Writ Petition No.8085 of 2017 in the case of ***Janabai D/o. Himmatrao Thakur Vs. The State of Maharashtra and Ors.*** decided on 17th October 2019. According to him, if the Head Master of the School submits the declaration in Form No.2 to respondent no.3, further steps in correcting the date of birth of the petitioner would be taken.

6. We have heard the learned counsel for the petitioner and respondent no.3. The petitioner has also filed an affidavit of service showing proof of service on other respondents including respondent no.6. However, respondent no.6 has not filed its appearance.

7. In our view, the issue is no more *res integra* and is concluded by the decision of this Court in case of ***Janabai Himmatrao Thakur (supra)***.

8. We, therefore, pass the following order :-

- (i) The respondent no.6-School through its in-charge Head Master is directed to submit a Declaration in Form No.2 to respondent nos.1 to 3 within a period of four weeks from today.
- (ii) On receiving such application, the respondent nos.1 to 3 shall, in accordance with Regulation 59(3) of Maharashtra Secondary and Higher Secondary Education Boards Regulation, 1977, take further steps and after considering the petitioner's birth certificate (in Gujrathi) indicate the correct date of birth of the petitioner in her School Certificate and mark-sheet.

9. The writ petition is disposed of in above terms. Rule accordingly. Parties to act on the authenticated copy of this order.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.