



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 8427 OF 2023

(Smt.Nalanda Manohar Khobragade vs. The State of Maharashtra and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.R.Fule, Advocate for the petitioner.

Mr. A.J.Gohokar, Assistant Government Pleader for the respondent
Nos.1 and 2.

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 18, 2024

- 1) Heard Mr.Fule, learned Counsel for the petitioner.
- 2) The petition seeks correction of the date of birth of the petitioner in the service record by quashing the communication date 08/12/2023 (page 15) which declines to do so. The only ground which is being raised in support of this, is a report at page 18, which indicates a daughter been born to one Haribhai Kashinath and Shubhada. It is however material to note that this report has not got converted into an entry under the Registration of Births and Deaths (Amendment) Act, 2023, which entry in fact is what carries presumption in law. On that count the report at page 18 cannot be relied upon.
- 3) It is equally necessary to note that the petitioner came to be appointed as 'Talathi' on 29/09/2007 on compassionate basis at which point of time, the service record recorded her date of birth as 12/12/1965, though on 28/01/2008, the petitioner has applied for correction of the date of birth in service record, she merely kept quite after filing such an application and for the first time approached this Court on

26/12/2023, when she was facing impending retirement on 31/03/2023.

4) There are series of decisions by the Hon'ble Apex Court, which indicate that a request for change of date of birth in the service record ought not to be entertained at the fag end of the service tenure of the employee, one such being **Union of India vs. Harnam Singh (1993) 2 SCC 162.**

5) The petitioner also after filing an application on 28/01/2008 did not pursue the same with the department on account of which the claim which is now being made of correction of the date of birth as 01/04/1969 cannot be entrained more so when the petitioner has already superannuated on 31/03/2023. We therefore, do not see any reason to interfere in the impugned communication. The petition stands dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE