



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

WRIT PETITION NO. 5983 OF 2024

(Raju (alias Shankar) S/o Ramkrishnarao Bhoyar

Vs.

Maharashtra State Electricity Transmission Company Limited (MSETCL),
Thr. its Chief General Manager (HR), Mumbai)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.V. Manohar, Senior Advocate a/b Mr. H.R. Gadhia & Mr. A.A. Sawal,
Advocates' for the Petitioner.

Mr. G.A. Kunte, Advocate for the Respondent.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 27th NOVEMBER, 2024

Heard.

2. The Petition seeks to challenge the communication dated 11.07.2023 by the Respondent, which refuses to correct the date of birth of the Petitioner as 12.03.1972 in place of 15.02.1970.

3. Mr. Manohar, learned Senior Counsel for the Petitioner, submits that the original date of birth of the Petitioner is 12.03.1972, for which he invites our attention, to the entry in the Schedule I of the Panchayat Samiti for the year 1972-73, Entry No. 14 which indicates that a son by name Shankar was born to Ramkrishna Chandrabhan Bhoyar on 12.03.1972 (page 40A), which entry has been taken on

16.03.1972. He also invites our attention to the entry in the records of the Nakhegoan Gram Panchayat which also records that a child name Shankar was born on 12.03.1972 to Ramkrishna Chandrabhan Bhoyar and Kanta Ramkrishna Bhoyar. He, therefore, submits that non-consideration of these documents vitiates the impugned communication.

4. What is necessary to note, is that Chapter II of the MSETCL Employees' Service Regulations, 2012 Clause 9 Instruction (i) indicates, that normally, no application for alteration of the entry regarding date of birth as recorded in the Service Book of an employee should be entertained after a period of one year from the date of his entry in the service. The Petitioner has joined MSETCL in the year 2003 as per the statement as contained in para 3 of the Petition and in terms of the Rules applicable such an application ought to have been made within one year therefrom.

5. Though Mr. Manohar, learned Senior Counsel for the Petitioner, relies upon Instruction (ii) of Clause 9(2) of the MSETCL Employees' Service Regulations, 2012 to contend that there is no determination by the Respondent as to whether the case of the Petitioner was deserving as is the requirement of the said Clause which permits the correction of the entry even later in point of time, what is material to note is that the Petitioner is to retire on 29.02.2028.

6. In a catena of decisions, the Hon'ble Apex Court had already held that no application for change of date of birth of an employee ought to be entried at the fag end of his

carrier, as it results in upsetting the entire seniority position which has occurred in between.

7. That apart, a perusal of the entries in Panchayat Samiti records would indicate, that a son by name Shankar was born to Ramkrishna Chandrabhan Bhoyar. The Service Book of the Petitioner does not indicate that the Petitioner has an alias by name Shankar, and therefore, the entry cannot be related to the Petitioner. Though the entry in the records of the Gram Panchayat, Nakhegaon indicates Shankar alias Raju, the entry of 'alias Raju' appears to be subsequently inserted as is indicated by a *prima-facie* perusal of the document.

8. For the reasons stated above, we therefore not inclined to interfere in the impugned communication.

9. The Petition is therefore **dismissed**. No costs.

10. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)