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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10890 OF 2025

Leela Tukaram Toge

Versus

The State of Maharashtra and Others

.....

Mr. G.V. Wani, Advocate for Petitioner

Mr. S.B. Pulkundwar, APP for Respondent No.1 – State

Mr. Ameya Sabnis, Advocate for Respondents No.2 and 3

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 04 NOVEMBER, 2025

PER COURT :-

1. Present petition has been filed for following relief:

“(B) Be please to quash and set aside the communication dated 03.04.2025 issued by the District Health Officer, Ahilyanagar and further direct the respondent no.2 and 3 to correct the birth date of the petitioner in her service book from 01.06.1968 to 03.11.1970.”

2. Heard the learned Advocate Mr. G.V. Wani, for the petitioner, Learned AGP for Respondent No.1 and learned Advocate Mr. Amyea Sabnis, for respondents No.2 and 3.

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3. There is no dispute that the petitioner entered service as an Arogya Sevika on 24.12.1997. At that time, she had given her date of birth as 01.06.1968. The petitioner contends that she belongs to the Dhangar community and that she is the only literate person in her entire family. Her parents were illiterate and were unaware of the formalities to be completed after the child is born. Her school leaving certificate was the document that reflected her date of birth, and the same was recorded in her service records. According to her, she was born in village Miri, Taluka Pathardi, District Ahmednagar. Upon search, she could now get the entry of her birth in the register maintained by the Panchayat Samiti, Pathardi, which shows her real date of birth as 03.11.1970. She, therefore, applied for correction of her date of birth; however, her request was turned down by communication dated 03.04.2025. Hence, the present petition.

4. The first and foremost fact to be noted here is that the application for correction of the date of birth appears to have been made at the very fag end of the petitioner's service. As of now, only six months of service remain. Even as regards the photocopy of the birth register, it is observed that certain additions appear to have been made therein. As per Rule 38(2) of the Maharashtra Civil Services (General Conditions of Service) Rules, a change in the date of birth can be made only within

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the first five years of service. There is no proper explanation from the petitioner as to why she did not make any such attempt within five years from the date of her entry into service. Therefore, taking into consideration the fact that the application has been made at the fag end of her service, we do not find this to be a fit case for exercise of our constitutional powers.

5. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR, J.]

[SMT. VIBHA KANKANWADI, J.]

S P Rane