



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

989 WRIT PETITION NO. 5912 OF 2022

SUDAM KISHAN GUNDEWAR
VERSUS
THE DIVISIONAL COMMISSIONER AND OTHERS

...
Advocate for the Petitioner : Mr. Mandlik Pratap Pravin
AGP for Respondents/State : Mr. R.B. Dhaware
Advocate for Respondent Nos. 3 & 4 : Mr. Shinde Ashish Balaji
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 17.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioner assails the order dated 03.12.2021 passed by the Collector, Nanded in 2021/GB/Desk-1/Grapani/Appeal/CR-51, whereby, the petitioner was disqualified from the post of Member of Grampanchyat on the ground that the petitioner had begotten fourth child after the cut of date 12.09.2001. This order was confirmed by the Additional Divisional Commissioner, Aurangabad vide its order dated 31.03.2022.
3. Learned Counsel for the petitioner Mr. Mandlik, points out that the School record of 4th Child Bhagyashree was placed before the authority which mentioned her date of birth as 28.01.2002 but her actual date of birth was 28.08.2001 and in support of his contention he

relied upon the O.P.D. Card issued by the private hospital and a certificate issued by the “Anganwadi Karyakarta”. He placed his reliance on these two documents and submitted that the School record ought not to have been considered by the District Collector and the Additional Divisional Commissioner.

4. Per Contra, the learned AGP, Mr. Dhaware for Respondent State submits that the School record of daughter Bhagyashree was prepared based on the information provided by the petitioner himself and there was no interpolation in the said record. Therefore, the School record was authentic one and the same has been relied by the the District Collector and the Additional Divisional Commissioner.

5. I have gone through the order passed by the Collector and Additional Divisional Commissioner. I have also gone through the documents placed on record including School Record, Certificate issued by “Anganwadi Karyakarta” and the O.P.D. card.

6. The School record clearly depicts the date of birth of 4th child as 28.01.2002. No allegations have ever been made by the petitioner against the School authority regarding the incorrect date of birth. The School record contains evidentiary value and the same was rightly considered by the Collector and the Additional Divisional Commissioner.

7. Therefore, I do not find any reason to interfere with the order dated 03.12.2021 passed by the Collector, Nanded and the order dated 31.03.2022 passed by the Additional Divisional Commissioner, Aurangabad under Article 227 of the Constitution of India.

8. In view thereof, the Writ Petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)

mahajansb/