



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2489 OF 2025

Ajmal Bhagwat Chavan
Age: 53 years, Occu.: Service,
As Senior Clerk in MSRTC, Jalgaon,
R/o. Plot No.4/2, Gut No.140/2,
Rukhmini Nagar, Jalgaon, Dist. Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai – 32.
2. The Education Officer (Primary),
Zilla Parishad, Jalgaon, District Jalgaon.
3. Vasantrao Naik Primary Ashram School,
Galan (Bk.), Tq. Pachora, Dist. Jalgaon,
Through its Headmaster
4. The Education Officer (Secondary),
Zilla Parishad, Jalgaon, Dist. Jalgaon.
5. Vasantrao Naik Secondary Ashram School,
Galan (Bk.), Tq. Pachora, Dist. Jalgaon.
6. The Divisional Controller,
The Maharashtra State Road,
Transport Corporation Ltd., Jalgaon,
Division Jalgaon, District Jalgaon.

.. Respondents

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Mr. Avinash A. Khande, Advocate for the petitioner.
Mr. V. M. Kagne, AGP for respondent Nos.1 and 4.
Mr. Paresh B. Patil, Advocate for respondent Nos.3 and 5.
Mr. M. D. Shinde, Advocate for respondent No.6.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 15 OCTOBER 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. The petitioner aged 53 years serving as Senior Clerk in MSRTC at Jalgaon seeks appropriate writ to challenge order dated 11.09.2023 passed by respondent No.2, order dated 13.09.2023 passed by respondent No.3, order dated 08.07.2023 passed by respondent No.5 and order dated 22.08.2023 passed by respondent No.6. He seeks further directions against respondent No.6 to correct the service record regarding date of birth of petitioner as 16.07.1970 instead of 04.10.1967.

2. The facts leading to the present petition are that the petitioner joined services of respondent No.6 on 05.12.1996 as Typist. At that time, his date of birth was taken as per school record as 04.10.1967. The petitioner's parents had informed about the date of birth to the Grampanchayat, however, it is stated that by mistake his name was noted as Deshmukh instead of Ajmal. The petitioner had then approached competent Civil Court by filing Criminal Miscellaneous Application No.241 of 2022 and by order dated 16.02.2023, the application came to be allowed and direction was given to Block Development Officer, Pachora

to correct the name of the petitioner as Ajmal Bhagwat Chavan in the birth certificate. Accordingly, the Block Development Officer has issued the fresh birth certificate showing his date of birth as 16.07.1970. Immediately thereafter the petitioner approached respondent No.3 school for correction of his birth date. Similar application was filed by him to respondent No.6 i.e. the Employer also, however, both the applications have been rejected. Respondent No.3 was informed by respondent No.2 that the correction cannot be carried out in the school record in view of Rule 26.4 of the Secondary School Code. The Employer also refused to correct the record and, therefore, the present petition has been filed.

3. Learned Advocate for the petitioner has taken us through the documents, especially the order passed by the learned Judicial Magistrate First Class, Pachora and the Gazette publication, other applications made by petitioners to the various authorities and the impugned order. He relies on the Full Bench decision of this Court in Janabai Himmatrao Thakur vs. State of Maharashtra and others, [2019 (6) Mh.L.J. 769], wherein it has been held that Rule 26.4 of the Secondary Schools Code is not a bar for correcting the school record, even if the applicant is not studying in any school. Taking into consideration all these aspects and the documents, according to the learned Advocate for the petitioner, the respondents ought

to have made the necessary changes. He also points out that if we consider the family members of the petitioner, then he has four brothers and a sister. Petitioner is elder one and the younger one namely Rajesh was born in 1972, Kishor was born in 1975 and Sister Kalpana was born in 1978. His brother Late Shashikant was born in 1981 and then brother Deepak was born in 1987.

4. We have also gone through the order passed by learned Judicial Magistrate First Class. The first and the foremost fact to be noted is that it was the application under Section 15 of the Registration of the Birth and Deaths Act, 1969 for correction of the entry of the name of the applicant in his birth certificate, at belated stage. Merely because after issuance of citation notice nobody had objected, it was stated that the proceedings went unchallenged. In support of the claim of the applicant i.e. the present petitioner it appears that birth certificate was filed. Now, which birth certificate was filed has not been stated. Copy of that birth certificate which appears to have been issued on 20.06.2023 is produced. That means, the birth certificate which is produced in the present petition, is after the order was passed by learned Judicial Magistrate First Class, Pachora. Which other documents were seen by learned Magistrate are not produced here. Another fact that is required to be noted is that in the

entire petition, the petitioner has not stated that when he entered the services in 1996, why he was required to move the learned Magistrate in 2022 and how he realized about the mistake allegedly made by his parents while recording his birth. Why he kept silence over all those years is a question. Now, after attaining the age of 53 years, he has made such move. The petitioner's intention to get the record corrected at belated stage is doubtful and, therefore, we do not find this to be a fit case where we should exercise our constitutional powers.

5. The writ petition therefore stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm