

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SAYALI
DEEPAK
UPASANI**

WRIT PETITION NO. 3283 OF 2024

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SAYALI DEEPAK
UPASANI

Date: 2025.12.17
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Avdhoot R. Koyande

... Petitioner

Versus

**The Brihan Mumbai Electric Supply and
Transport Undertaking (BEST) And Ors.**

... Respondents

Mr. Saurabh Pakale a/w Adv. Shaheen Dhamaskar i/b Ms.
Padmaja Malgaonkar, for Petitioner.

Ms. Heena Shaikh i/b M. V. Kini & Co., for Respondents.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 12 December 2025

ORAL ORDER:- (Per M. S. Sonak J.)

1. Heard the learned Counsel for the parties.
2. The Petitioner seeks quashing of the communication dated 18 April 2023 by which the Petitioner's application for change of his date of birth filed almost 23 years after his entry into service came to be rejected. The Petitioner also challenges the procedural order dated 07 August 1975 on the ground that it discriminates against employees appointed after 02 June 1975.
3. It is well settled that an employee, if he or she has proper proof, may seek correction in the date of birth record

at the time of joining of service within the period prescribed under the rules or executive instructions in this regard. If no such period is prescribed, then such requests must be made within a reasonable period.

4. In this case, the request has been made after 23 years of the joining of service. The request is made based upon an alleged public document. There is no explanation as to why the Petitioner could not access the public document earlier.

5. The learned Counsel for the Respondent pointed out that if this request is to be considered, it will have implications for seniority and promotions. She points out that the true purpose of seeking such change is to gain an advantage in terms of seniority and promotion.

6. Considering the delay and laches involved in seeking a change of date of birth, we do not think that there is anything unreasonable or arbitrary in the impugned communication by which the Petitioner's request was denied.

7. This is also not a fit case to entertain a challenge to the procedural order at the behest of this Petition. The Petitioner has cited no concrete instances to suggest that belated applications from employees appointed before 1975 have been entertained. The learned Counsel for the Respondent refers to a settlement award and submits that the exceptions had to be carved out in light of the same.

8. In this matter, we do not wish to go into the issues, as we believe they are academic. In any event, it is well settled that a discrimination complaint cannot, at least *prima facie*, insist upon practising equality of illegalities.

9. We do not make any observations about the employees appointed before 02 June 1975 because they are not before us, and there is no material to show whether any such employees have availed of any such benefit of belated corrections of date of birth.

10. For the above reasons, we dismiss this Petition without any costs order.

(Advait M. Sethna, J.)

(M.S. Sonak, J.)