



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.330 OF 2026

Sandipan s/o Dagdu Payal
Age: 54 years, Occu.: Service,
R/o. Ambil-Wadgaon,
Taluka and District Beed

.. Petitioner

Versus

1. State of Maharashtra
Through, Chief Secretary,
Mantralaya, Mumbai.
2. The Registrar,
Vasantao Naik Marathwada,
Krishi Vidya-Peeth, Parbhani,
3. The Education Officer, Primary,
Zilla Parishad, Beed,
Zilla Parishad Office at Beed.

.. Respondents

...

Mr. M. A. Tandale, Advocate for the petitioner.
Mr. S. B. Narwade, AGP for respondent No.1/State.

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

DATE : 07 MARCH 2026

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

. Present petition has been filed for following relies :-

“B. By issuing writ of mandamus or any kind of writ/s, the respondent No.3 may kindly be directed to correct the date of birth (is as 5th December 1970) in the School Record, in the interest of justice, as early as possible, within the stipulated period.

C. By issuing writ of mandamus or any kind of writ/s, the respondent No.3 may kindly be directed to decide the representation dated 03.10.2025, 03.11.2025 and 04.12.2025 by taking the corrected entry in the date of birth in the School record is 5th December 1970, in the interest of justice.”

2. Heard learned Advocate for the petitioner. The petitioner has come with the case that the petitioner is born in an illiterate family and as the record in respect of his birth date is not reflecting properly, he had approached Civil Court i.e. by filing Regular Civil Suit No.92 of 2002. The petitioner's correct birth date is 05.12.1970, whereas it is wrongly shown as 01.03.1967. The petitioner is a Scientist and especially sent to Maldives as the Research Scientist from India and he is having membership of the Research Scientist Committee of the United Kingdom and United States of America. The suit filed by him was dismissed and, therefore, he had preferred the Regular Civil Appeal No.52 of 2006, which was also dismissed. He had approached different authorities and lastly approached the Gramsevak of the native village Ambilwadgaon, Taluka and District Beed. He came to know that his name is not appearing in the village record in the birth and death register, but in fact he is the permanent resident of/his native place is, Ambilwadgaon. The petitioner states that as per the admission of himself and his brothers, the birth date of his elder brother Bhima is 08.07.1966 and eldest brother Arjun's birth date is 12.06.1964, whereas his

own birth date that has been shown is 01.03.1967. The difference between the birth date of the petitioner and his elder brother Bhima would come to less than eight months, which is impossible and, therefore, he has filed the present petition for above reliefs.

3. Heard learned Advocate for the petitioner. Apart from the documents, which have been produced on record, he relies on the following judgments to support his contention :-

i) Priya Omprakash Walmiki Vs. The Education Officer (Secondary) Zilla Parishad, Beed and others, [Writ Petition No.11308 of 2019 decided by this Court on 09.12.2020].

ii) Rahul Suresh Shinde Vs. The Education Officer (Primary), Zilla Parishad, Dhule and others [Writ Petition No.7299 of 2020 decided by this Court on 15.01.2021].

iii) Janabai d/o Himmatrao Thakur Vs. State of Maharashtra and others, [2019 (6) Mh.L.J. 769].

4. Learned AGP points out that the petitioner has approached this Court by filing Writ Petition No.9989 of 2025, which came to be dismissed on 18.09.2025, thereby holding that the Civil Court has already given the verdict and dismissed the claim of the petitioner in respect of change of the birth date. Therefore, the writ jurisdiction cannot be exercised.

5. Learned Advocate for the petitioner then replies that the petitioner is now seeking the change in the school record as per Secondary School Code and the purpose for the earlier petition was different.

6. The ratio of the decisions relied upon by the petitioner cannot be denied and in fact, the judgment of the Full Bench of this Court in **Janabai Thakur (Supra)** is binding, however, the facts differ in the present case. The petitioner has already approached the Civil Court for the same subject matter i.e. change in the birth date. Now, whether it is through Secondary School Code or by way of a declaration will not make difference. The petitioner has not come with the case that the Civil Court's jurisdiction in deciding the suit for declaration filed by him was lacking inherently. If we consider the judgment of the Appellate Court where the petitioner had carried the judgment and decree passed by the Trial Court, then it can be seen that no such contention was raised. Now, the effect of the dismissal of suit and the dismissal of appeal is that those decisions have become final. Now, this Court in its writ jurisdiction cannot undo the effect of the said decision, which has become final. Therefore, the Coordinate Bench in the earlier petition filed by the petitioner i.e. Writ Petition No.9989 of 2025 has rightly observed that the writ petition is the example of abuse of process of law. In fact, now filing another writ petition is the further abuse of process of law by the petitioner when the earlier writ petition was dismissed by this Court. We

would have dismissed the petition by imposing exorbitant cost for the extreme abuse of the process of law, however, we are restraining ourselves taking into consideration the fact that the petitioner is representing India globally.

7. Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm