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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.718 OF 2026

Shivaji S/o. Vyankatrao Deshmukh
Versus
The State of Maharashtra and Others

.....
Mr. Rahul P. Cheble, Advocate for Petitioner
Ms. Neha B. Kamble, AGP for Respondents Nos.
.....

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

DATED : 22 JANUARY, 2026

ORDER [Per Hiten S. Venegavkar, J.] :-

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking a direction to respondent No. 4 to decide the representation dated 17.11.2025 preferred by the petitioner, whereby the petitioner seeks correction of his date of birth in the service book from 14.05.1968 instead of 14.05.1970.

2. The petitioner states that he is employed as an Instructor in the institute of respondent No. 4. The petitioner was initially appointed as an Instructor on a contractual basis, and thereafter, upon following due process of law by respondent No. 3, he came to be permanently appointed in the institute of respondent No. 4 by an order dated

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15.07.2024. It is the case of the petitioner that after joining respondent No. 4-Institute on the post of Instructor as a permanent employee, the process of preparation of his service book was initiated. The date of birth entered in the service book was recorded as 14.05.1968, which subsequently came to the knowledge of the petitioner. Consequently, the petitioner requested respondent No. 4 to correct the date of birth in the service book from 14.05.1968 to 14.05.1970.

3. The petitioner further states that in support of his request for correction of the date of birth, he submitted the original birth certificate, wherein his date of birth is recorded as 14.05.1970. He further stated that, inadvertently, at the time of taking admission to school, his date of birth was entered as 14.05.1968. The petitioner submits that the date of birth has to be recorded in accordance with the birth certificate issued by the Municipal Corporation, Latur, and therefore, his school leaving certificate entry should not be considered. The petitioner has also requested the Municipal Corporation to issue a fresh birth certificate as per the earlier record and accordingly, fresh birth certificate has been issued mentioning that the date of birth of the petitioner as 14.05.1970. The petitioner submits that the mistake occurred due to the illiteracy of his parents, and therefore, he submitted a representation to the respondent authority seeking rectification of the

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said error in the date of birth recorded in his service book. The petitioner submits that though the representation has been made on 17.11.2025, the respondent authorities are not acting upon the said representation, and as per the original date of birth, he is due for retirement in the month of June 2026. The petitioner states that due to the urgency as he is approaching the date of retirement, he is preferring the present writ petition, seeking directions to the respondent No.4 to decide his representation and effect changes in his service book.

4. The learned AGP appearing for respondent Nos. 1 to 3 argued that such a belated application seeking change of date of birth by an employee who is due for retirement in the month of June 2026 cannot be entertained, as it is not in accordance with law and is contrary to the settled principles laid down by the Hon'ble Apex Court. She further argued that the contention of the petitioner that the service book was taken up for preparation only in the year 2024 after he became permanent is also incorrect, for the simple reason that the petitioner has been in the service of the Institute as an Instructor for several years. The petitioner was definitely aware of the date of birth that has been mentioned in his records, and it cannot be said that for the first time he came to know about the mistake in his date of birth only while making entry in his service book. The petitioner, for all these years, has not

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taken any action or corrective measures to change his date of birth, and therefore, the learned AGP prayed to dismiss the petition.

5. We have considered the arguments advanced by the learned advocate for the petitioner as well as the learned AGP. It is a settled principle that an employee is required to seek correction in his employment records within five years from the date of joining service. In the present case, the petitioner has been employed with respondent No. 4—Institute for the past several years. During arguments, on a specific query, the learned advocate for the petitioner stated that the petitioner joined the service in 2010 and since then he has been in employment with respondent No. 4—Institute as an Instructor. Though the petitioner's services were on a contractual basis, the period of his service over all these years cannot be overlooked, and it cannot be held that the petitioner was made permanent directly in the year 2024 at the age of 58 years for a period of only one year. It is, however, obvious that the past service of the petitioner was taken into consideration by the respondent authorities before making him permanent in service. If that is so, then, in accordance with the law laid down by the Hon'ble Apex Court in several judgments, the petitioner ought to have taken steps to correct his date of birth well within five years from the date of joining service with the respondent—Institute. Approaching the authorities at

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such a fag end of his service, when he is hardly six months away from retirement, cannot be permitted. Secondly, it is also not acceptable that a person who is 58 years of age is unaware of his date of birth as mentioned in the requisite documents and school records. The contention of the petitioner is highly improbable that he came to know about his date of birth being 14.05.1968 only for the first time when the date of birth was entered in the service book in the year 2024.

6. We do not find that the petitioner has made out any case for issuing directions to the respondent authorities to consider his request for deciding the representation seeking a change of date of birth in the petitioner's service book. Accordingly, the writ petition stands dismissed.

7. When the matter was called out, it was pronounced to the learned advocate for the petitioner that we were not inclined to grant any relief in the petition and that the same would be dismissed. Accordingly, the order was being dictated in open Court. In the midst of dictation, the learned advocate for the petitioner interrupted and pleaded that he would withdraw the petition, and requested the Court not to pass any order and to keep the matter back for some time, for intimating the same to the petitioner and for making a statement thereafter. Again, when the matter was called out, the learned advocate for the petitioner informed the Court that the order may be passed on

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merits. Such conduct on the part of the advocate is wholly unacceptable and is absolutely not acceptable, and not within the decorum of the Court. We, therefore, impose personal costs of Rs. 2,500/- upon the advocate for the petitioner, to be paid to the High Court Legal Services Sub-Committee, Aurangabad.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane