

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 743 OF 2022**

DIST. : AHMEDNAGAR

**Ankush s/o Rangnath Kolekar, )**

Age : 56 years, Occu.: Service as )

Measurer, R/o Waki, Post-Kharda, )

Tq. Jamkhed, Dist. Ahmednagar. )

.. **APPLICANT**

V E R S U S

**1. The Executive Engineer, )**

Kukadi Medium Project, )

Department No. 2, )

Shreegonda, Tq. Shreegonda, )

Dist. Ahmednagar. )

**2. Sub Divisional Engineer, )**

Kukadi Medium Project, )

Jamkhed Sub-Division, )

Jamkhed, Tq. Jamkhed, )

Dist. Ahmednagar. )

**3. The Branch Officer, )**

Kukadi Medium Project, )

Kharda, Tq. Jamkhed, )

Dist. Ahmednagar. )

.. **RESPONDENTS**

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 APPEARANCE :- Shri Vijay V. Deshmukh, learned  
 Advocate for the applicant.

: Shri I.S. Thorat, learned Presenting  
 Officer for the respondents.

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**CORAM** : **Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**  
**DATE** : **6<sup>th</sup> March, 2023**  
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**ORAL - ORDER**

1. Heard Shri Vijay V. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.
  
2. By filing the present Original Application the applicant has sought directions against the respondents to correct the date of birth of the applicant in the service book and consequently to extend all the benefits flowing from such correction in the date of birth. It is the case of the applicant that his correct date of birth is 4.7.1966, however, in his service book it has been recorded as 1.6.1965. It is the contention of the applicant that after he came to know that his date of birth is incorrectly recorded in the service book, he applied on 7.1.2021 to the respondent authorities for correction in his date of birth. It is the grievance of the applicant that without considering the contentions of the applicant and the documents submitted by him in support of his said contentions, the respondents have mechanically rejected his representation on the ground that it

was not filed within the period of 5 years of his entering into Government service.

3. The learned counsel for the applicant submitted that the applicant initially joined as a Labour in the year 1984. Subsequently the applicant was given appointment on the post of Measurer and till retirement he worked on the said post. The learned counsel further submitted that as because the applicant was unaware of the date of birth recorded in the service book, he could not make any application for correction in his date of birth prior to 7.1.2021. The learned counsel further submitted that the parents of the applicant being illiterate could not state the correct date of birth of the applicant while admitting the applicant in school and same date thereafter has been continued in the school record. The learned counsel submitted that the date stated as 1<sup>st</sup> June of the birth date of the applicant by his parents is sufficient to draw an inference that said date may be only for the purposes that the applicant shall get admission in the school and exact date of birth was perhaps was not known to the parents. The learned counsel submitted that the rules in that regard, which are referred to by the respondents in their affidavit in reply if are considered in proper perspective, favours the case of the applicant and the

respondents simply cannot refuse to consider the evidence as has been submitted by the applicant on the ground that the request is made beyond 5 years of entering into service by the applicant. The learned counsel, in the circumstances, has prayed for allowing the present Original Application thereby directing the respondents to consider the evidence as has been produced by the applicant. The learned counsel submitted that in the meanwhile the respondents have communicated the rejection of his application on 24.2.2022. The learned counsel submitted that the applicant is also praying for setting aside the aforesaid order.

4. Shri Thorat, learned Presenting Officer appearing for the State Authorities reiterated the contentions raised in the affidavit in reply filed on behalf of the respondents. The learned P.O. submitted that the applicant cannot be said to be ignorant of the fact that in the service record his date of birth is recorded as 1.6.1965. In the circumstances, according to learned P.O. if at all the applicant was sure about the fact that same is not his correct date of birth he must have applied for correction in the date of birth within 5 years of his entering into the Government service. The learned P.O. submitted that applicant at the fag end of his service, more particularly after completing 32 years'

service first time raised the grievance about correction in his date of birth on 7.1.2021. Learned P.O. submitted that there was no reason for the respondents to entertain such application at such a belated stage. Learned P.O. submitted that it is well settled that the request made at the fag end of service for correction in date of birth has to be rejected.

5. I have duly considered the submissions advanced on behalf of the applicant, as well as, the State Authorities. The facts are not in dispute. For the first time the applicant made grievance about correction in his date of birth in the year 2021. Learned P.O. during his argument had invited my attention to the first page of service book, wherein the date of birth of the applicant has been recorded and below that there is signature of the applicant. Learned P.O. submitted that in such circumstances the applicant cannot take any defence that he was not aware of his date of birth recorded in his service book. Learned P.O. further submitted that in the documents and more particularly certificate of 10<sup>th</sup> standard at the relevant time submitted by the applicant also bears his date of birth as 1.6.1965, and as such the applicant must be held to have knowledge that 1.6.1965 is his date of birth recorded in his service book. In view of the fact that the school record, as well

as, in the certificates of 10<sup>th</sup> and 12<sup>th</sup> standard also his date of birth is recorded as 1.6.1965, the argument as has been made on behalf of the applicant that the applicant was not aware of the fact that his incorrect date of birth is recorded in the service record is difficult to be accepted. The fact remains that the application has been made after more than 32 years' service in the department.

6. It is the established practice that while recording the date of birth of the Government servant in his service book, the same is verified by the office-head on the basis of his School Leaving Certificate or his Secondary/Higher Secondary Examination Certificates. Applicant is not disputing that in the school record and in certificates of Secondary and Higher Secondary Exams his date of birth is recorded as 1.6.1965. As such in his service book obviously the same date was liable to be recorded. Applicant cannot take plea that he does not know which is the date recorded in his School Certificates. The contention of the applicant that in his service book his date of birth is wrongly recorded as 1.6.1965, whereas his correct date of birth is 4.7.1966 could have been sustained if the applicant had come out with any such case that the documents showing his date of birth 4.7.1966 were produced on record by him while entering

into the Government service and in spite of that the respondents did record his date of birth as 1.6.1965. The applicant had admittedly not made out any such case. In support of his contention that his correct date of birth is 4.7.1966 the applicant is relying on the copy of the birth register extract of village Vaki, Tq. Jamkhed issued to him by the Tahsildar, Jamkhed. It is not the case of the applicant that such extract from birth register was produced by him at the time of his joining the service. Perusal of the aforesaid document reveals that true copy of the extract is issued by the Tahsildar, Jamkhed on 3.12.2021. Thus, the said document is obtained by the applicant at the fag end of his service, the fact apart that even on the basis of the said document it is difficult to record any finding that the entry taken in the said register on 4.7.1966 pertains to the birth of the applicant, as because it does not reflect the name of the applicant. The fact remains that at the time of recording his date of birth in his service book the only documents, which were available were the certificates of S.S.C. and School Leaving, wherein the date of birth of the applicant is recorded as 1.6.1965. In the circumstances, the plea taken by the applicant that in the year 2021 for the first time he came to know that the date 1.6.1965 is recorded as his date of birth in the service book cannot be accepted.

7. It is well settled that the request made for correction in the date of birth by the Government servant at the fag end of his service career is not to be entertained unless any just and sufficient cause is made out. Applicant has not made out any such case; on the contrary the plea raised by him appears to be absolutely false.

8. In the above circumstances, the application made by the applicant deserves to be dismissed. Hence, the following order :-

**ORDER**

The Original Application stands rejected without any order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 6<sup>th</sup> March, 2023**

ARJ O.A. NO. 743 OF 2022 (DATE OF BIRTH)





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