

**1MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO.789/2015.**

Pushpa w/o Sanjay Rathod,  
Aged about 25 years,  
Occ-Nil,  
R/o mouza Ambezari, Tq. Ghatanji,  
Distt. Yavatmal.

**Applicant.**

**-Versus-**

1. The Sub-Divisional Magistrate,  
Kelapur, Distt. Yavatmal.
2. The State of Maharashtra,  
Through its Secretary,  
Department of Revenue,  
Mantralaya, Mumbai-32.

**Respondents.**

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Shri T.S. Deshpande, the Ld. Advocate for the applicant.

Shri M.I. Khan, the Ld. P.O. for the respondents.

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**Coram:- S.S. Hingne, Vice-Chairman**

**Dated:- 8<sup>th</sup> December, 2016.**

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**Order**

The applicant aspiring the post of Police Patil of village Ambezari, Tehsil Kelapur, has filed this O.A. challenging the order dated 16.11.2015 (P. 31, A.9) passed by the Sub-Divisional Magistrate, Kelapur rejecting her candidature for not fulfilling the age criteria.

2. Heard Shri T.S. Deshpande, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

3. The Sub-Divisional Magistrate, Kelapur (R.1) issued a proclamation on 10.9.2015 (P. 13, A.2) to fill up the post of Police Patil of village Ambezari. The applicant applied by submitting the application at page No. 45, mentioning her date of birth as 9.4.1990. As per the proclamation, condition No.2, the applicant should be aged between 25 to 45 years. The age was to be considered on the last date of submitting an application which was 19.5.2015.

4. The learned counsel for the applicant vehemently submitted that as per the birth extract of Ambezari, birth date of the applicant is 9.4.1990 and the Sarpanch of Ambezari has issued certificate to that effect (A.1, P.12). If this date is taken into consideration, the applicant was above 25 years on the cut off date i.e. 19.9.2015. The S.D.O., Kelapur held the applicant ineligible which is under challenge.

5. As against this, the learned P.O. submitted that as per the school leaving certificate (P.34) and the mark-sheet (P.33), the date of birth of the applicant is 9.4.1991. However, the learned counsel for the applicant ingeniously urged that the extract of birth and death register carries more weight and is authentic document to decide the date of birth. In support of submission, he relied on a case of **Hardeep Singh V/s State of Haryana reported in (2011) 10 Supreme (P&H) 2001 [2013] 5 Law Herald 3893** and **Mahanth**

**Ramasis Das and others V/s Noor Mohammed Mian and others AIR 2012 Patna 67**, wherein Their Lordships relied on the matrimonial certificate ignoring the birth certificate issued by the Municipal Authority. The learned counsel for the applicant relying on a case of **Mahanth Ramasis Das and others V/s Noor Mohammed Mian and others AIR 2012 Patna 67** states that the entries in the birth and death register carries weight. There cannot be quarrel to the said legal proposition.

6. As against this, the learned P.O. relied on a case **Hardeep Singh V/s State of Haryana reported in (2011) 10 Supreme (P&H) 2001 [2013] 5 Law Herald 3893**, wherein Their Lordships of the Punjab and Haryana High Court held that the Court cannot give preference to the birth certificate issued by the Municipal Authority when the certificate of S.S.C. is produced.

7. The applicant has filed a certificate issued by Sarpanch (A.1, P.12) showing that date of birth of the applicant is 9.4.1990. However, the respondent has produced Photostat copy of extract of birth and death register of Gram-Panchayat, Ambezari wherein date of birth of the applicant is shown as 9.4.1991. Thus, it is manifest that, though in the birth and death register, applicant's date of birth is shown as 9.4.1991, how the Sarpanch or a Secretary of the Gram-Panchayat has issued certificate (A.1, P.12) showing date of

birth of the applicant as 9.4.1990 which, on the face of it appears to be a forged document.

8. No reliance can be attached to such document and the date of birth of the applicant has to be treated as 9.4.1991, as the entry of the date of birth in the register is the basic document and due weightage is to be given to such document. Relying on the same, it is crystal clear that the applicant does not fulfill the eligibility criteria of having 25 years of age and, therefore, no fault can be found with the impugned communication. Consequently, O.A. deserves to be rejected. However, considering the above facts, it is necessary that the S.D.O. should take action against the Sarpanch / Secretary of the Gram-Panchayat, Ambezari who has issued a false certificate.

9. Consequently the O.A. is rejected with a direction to the S.D.O., Kelapur to take action against a person, who issued this birth certificate of Pushpa, the applicant .

10. Registrar of this Tribunal and the learned P.O. to communicate this order to the Sub-Divisional Magistrate, Kelapur, Distt. Yavatmal for taking action, according to law.

(S.S.Hingne)  
Vice-Chairman

