

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.371/2016(S.B.)**

Ku. Swati d/o Rajaram Dhamne,  
Aged 19 Yrs Occupation household,  
r/o Dhumka Tahsil Washim,  
District Washim.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Revenue & forest Department,  
Mantralaya Mumbai.
- 2) The Collector,  
Washim District Washim.
- 3) The Secretary,  
Kotwal Selection Committee  
& Tahsildar, Washim.
- 4) Sau. Savita w/o Ganesh Suroshe,  
Aged adult Occupation Cultivator,  
r/o Dhumka Tahsil & District Washim.

**Respondents**

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Ms. A.Telange holding for Shri A.D.Girdekar, Ld. Counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondents 1 to 3.  
Shri V.B.Gawali, Ld. Counsel for the respondent no.4.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 01<sup>st</sup> October, 2024.**

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**JUDGMENT**

**Judgment is reserved on 26<sup>th</sup> September, 2024.**

**Judgment is pronounced on 1<sup>st</sup> October, 2024.**

Heard Ms.A.Telange holding for Shri A.D.Girdekar, learned counsel for the applicant, Shri A.P.Potnis, learned P.O. for the respondents 1 to 3 and Shri V.B.Gawali, learned counsel for the respondent no.4.

2. After undergoing selection process the applicant was selected for the post of Kotwal of village Dhumka, District Yavatmal. This was communicated by order dated 20.02.2016 (Annexure A-1). By communication dated 31.03.2016 (Annexure A-2) the applicant was informed that a complaint was received that her date of birth was 24.07.1998 and not 24.07.1997 as was represented by her, and she should furnish her written explanation on 01.04.2016. This complaint was made by respondent no.4. The applicant gave her explanation dated 01.04.2016 (Annexure A-3) maintaining that her date of birth was 24.07.1997. On being directed by respondent no.2, respondent no.3 conducted enquiry. By the impugned order dated 10.06.2016 (Annexure A-4) selection of the applicant was cancelled.

3. Respondent no.4 has placed on record papers of enquiry conducted by respondent no.3. At page 54 there is School Leaving

Certificate of the applicant in which her date of birth is stated to be 24.07.1998. Another copy of School Leaving Certificate of the applicant is at page 55 in which her date of birth is stated to be 24.07.1997. At page 57 there is extract of record maintained by the School in respect of Admissions and Leaving of the Students. In this extract date of birth of the applicant is stated to be 24.07.1998. During the enquiry statement of Head Master of the School was recorded (at page 60). It states –

#### बयान

नाव- श्री. पी. एस. शेळके मुख्याध्यापक संगमेश्वर ज्ञान मंदिर पुसेगांव, ता. सेनगांव जी हिंगोली.

शपथेवर मा तहसिलदार वाशिम यांचे समक्ष खरे सांगतो की, मी मुख्याध्यापक श्री. संगमेश्वर ज्ञान मंदिर पुसेगांव, ता. सेनगांव जि हिंगोली या शाळेत मे 2010 पासून कार्यरत आहे

माझ्या शाळेतून विद्यार्थी प्रवेश नोंदणी क्र. 4504 व प्रमाणपत्र क्र. 3896 दि.27.06.2014 रोजी दिलेले शाळा सोडण्याचे प्रमाणपत्र कु.स्वाती राजाराम धामणे या मुलीच्या नावाने दिलेले आहे. सदरच्या प्रमाणपत्रामध्ये रकाना क्र. 6] जन्म दिनांक 24.07.1998 (□ क्षरी – चोविस जुलै एको. □ ठ्यानव आमचे रेकॉर्ड नुसार नोंदविलेले आहे.

सदर मुलीची जन्म तारिख 24.07.1998 ही त्या मुलीने आमच्या कडे जि. प. कें. प्रा. शा. पुसेगांव या शाळेच्या प्रमाणपत्र क्र.88/11 नोंदणी क्र. 1812 दि.15.06.2011 इ. 7 वी उत्तीर्ण नुसार नोंदणी केलेली आहे. उपरोक्त दोन्ही प्रमाणपत्राच्या व प्रवेश निर्गम रजिष्टर च्या पानाची झेरॉक्स प्रत स्वाक्षरी करून सादर करीत आहे.

आपल्या कार्यालयाकडून सदर मुलीचे इ. 10 वी चे शाळा सोडण्याचे प्रमाणपत्र विद्यार्थी नोंदणी क्र. 4504 प्रमाणपत्र क्र. 3896 दि.27.06.2014 मध्ये

जन्म तारिख रकाना क्र. 6 मध्ये 24.07.1997 ँ क्षरी-चोविस जुलै एको सत्यानव ँ से दर्शविलेले आहे. सदर चे प्रमाणपत्र हे आमच्या शाळेच्या प्रमाणपत्राशी जुळत नसून सदरचे प्रमाणपत्रामध्ये जन्म तारखेच्या रकान्यात बदल केल्याचे दिसून येते.

आमच्या रेकॉर्ड नुसार कु. स्वाती राजाराम धामणे हिला दि 24.06.2014 रोजी शाळा सोडल्याचे प्रमाणपत्र दिलेले आहे. मुळ प्रतिवर (तृतीय प्रतिवर) तिची स्वाक्षरी सुध्दा आहे.

करीता उपरोक्त प्रमाणे मी मु. ँ. श्री. सं. ज्ञा. मं. पुसेगांव बयान आपल्या समक्ष लिहून देत आहे.

4. Considering cogent nature of statement of the Head Master conclusion reached during the enquiry that date of birth of the applicant is 24.07.1998 cannot be faulted.

5. It may be observed that the applicant has relied on extract of register of births and deaths. In this extract date of birth of the applicant is stated to be 24.07.1997 and the new born child is mentioned by name Swati. This fact indicates that the entry regarding birth of the applicant was subsequently inserted. The applicant has also relied on birth certificate issued by the Local Body. In this certificate also her date of birth is stated to be 24.07.1997. The Certificate states that the date of birth mentioned therein was entered on the basis of extract of register of births and deaths. I have held above that the entry regarding date of birth of the applicant in the extract of register of births and deaths sought to be relied upon by the applicant itself is quite

suspicious. So far as birth certificate is concerned, it may also be noted that it was issued on 20.11.2015 i.e. after selection process started. It may be reiterated that in School Leaving Certificate issued first in point of time date of birth of the applicant was stated to be 24.07.1998. Same date was entered in the extract of register of Admissions and Leaving maintained by the School. Head Master of the School has categorically stated that the Certificate issued subsequently in which date of birth of the applicant is stated to be 24.07.1997 does not tally with the School record. In this factual background the impugned order calls for no interference. The O.A. is, accordingly dismissed with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 01/10/2024.  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 01/10/2024.

and pronounced on

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