

Court No. - 34

Case :- WRIT - A No. - 18589 of 2023

Petitioner :- Smt. Mithlesh Bhadauriya

Respondent :- The State Of U.P. And 4 Others

Counsel for Petitioner :- Atipriya Gautam, Madhaw Pandey, Rishabh Kesarwani, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.
2. Original service book of the petitioner has been placed before this Court. I have perused the same.
3. From perusal of the service book, it is apparent that the date of birth originally entered in the service book of the petitioner is, 29.06.1964 and the petitioner's signature is also there in the service record. There is neither any interpolation or any kind of erasing in the service record so as to demonstrate that the entry in the service record was either wrongly made or subsequently changed by the department.
4. It is claimed by the petitioner that at the time of entry in service, she had only passed Class-VIII, however, subsequently she passed high school examination in which her date of birth came to be recorded as 31st March, 1967. It is also claimed that in various documents that were prepared subsequently by the respondents, her date of birth came to be recorded only as 31.03.1967.
5. Learned Standing Counsel submits that as per the U.P. Recruitment to Service (Determination of Date of Birth) Rules, 1974, the date of birth entered in the service record can be changed

only if, application for the same is filed within two years of entering into service.

6. It also transpires from the instructions that request of the petitioner for correction in the date of birth, has been rejected by the Director General, Prison and Reforms, U.P. vide order dated 10.11.2023. Let a copy of this order be supplied to the learned counsel for the petitioner by learned Standing Counsel

7. At this stage, learned counsel for the petitioner states that he may be permitted to withdraw the present petition with liberty to challenge the order dated 10.11.2023.

8. Accordingly, the writ petition is consigned to record with the aforesaid liberty to the petitioner.

Order Date :- 23.11.2023
Shiraz