



Serial No. 12
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 297 of 2023

Date of Decision: 24.06.2024

Shri. Soidur Rahman Mollah,
S/o (L) Atowar Rahman Mullah,
R/o Village – Asharikandi,
P.O- Asharikandi, P.S.-Gauripur,
Dhubri District, Assam

:::Petitioner

-Vs-

1.State of Meghalaya, represented by
The Commissioner & Secretary to the
Government of Meghalaya, Home
(Police) Department, Meghalaya, Shillong

2.The Director General of Police,
Meghalaya, Shillong

3. The Additional Director General of Police,
Meghalaya, Shillong

4.The Inspector General of Police,
Meghalaya, Shillong

5.The Superintendent of Police, Resubelpara,
North Garo Hills, Meghalaya

6.The Accountant General (A&E)
Meghalaya, Shillong

:::Respondents



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S.K. Hassan, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with
Ms. I. Lyngwa, GA (For R 1-5)
Mr. K.Kharmawphlang, Adv. (For R 6).

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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Oral:

1. The petitioner is before this Court by way of the instant writ petition, praying for directions for correction of his date of birth, which he alleges has been incorrectly entered in his service records, even after a school certificate had been provided after his initial appointment showing his correct date of birth to be that of 24.01.1967 instead of 1964.

2. Mr. S.K. Hassan, learned counsel for the petitioner submits that the petitioner all along was under the impression that the date of birth of the petitioner had been recorded as being born in the year 1967, and as such, was surprised therefore when he was given a notice dated 10.05.2022, issued by the respondent No. 5, informing him that he was to superannuate



on 30.06.2022. He submits that though a representation was filed, the respondents after examination of the matter, however rejected his request. The learned counsel has drawn the attention of this Court firstly to a School Certificate dated 09.03.1988, issued by his school namely H.M.J. Madrassa Asharikandi School, wherein his age at the date, he left the school on 31.01.1979, was shown to be 12 years 7 days, which he submits would clearly show that he was born in the year 1967. This Certificate he asserts was supplied to the respondents a year after he joined service, and the respondents he contends had then entered the correct date i.e. 24.01.1967, as his correct date, however, without deleting the earlier year shown therein i.e. 1964. He therefore submits the case of the petitioner not being one of seeking correction, at the fag end of his career, but one of correcting a mistake committed by the respondents, they were liable to be directed to count his service years from his actual date of birth. In support of his arguments, the learned counsel has placed reliance on the following judgments.

- (i) ***Bharat Coking Coal Limited & Ors. vs. Chhota Birsa Uranw reported in (2014) 12 SCC 570***
- (ii) ***Shankar Lal vs. Hindustan Copper Limited & Ors. reported in (2022) 6 SCC 211***



3. Mrs. N.G. Shylla, learned Senior GA assisted by Ms. I. Lyngwa, learned GA appearing for the State respondents in reply submits that the petitioner has sought correction of his date of birth, on the brink of his retirement and that the same was examined and considered by the respondents, whereafter his request was rejected. Learned Senior GA submits that the petitioner as seen from the records was enlisted in the Police Department on 01.03.1988, and his year of birth was entered as 1964, in his service sheet, which was declared and verified in his verification roll, by appending his signature and imprinting his left and right thumb impression on the papers, which had been countersigned by the respondent No. 5, the Superintendent of Police, East Garo Hills. Learned Senior GA submits that by virtue of the Rules laid down in S.R. 8(a) of F.R. & S.R. Rules 1984, the petitioner's date of birth is to be treated as 01.07.1964, as at the time of enlistment, only the year of birth and not the date had been provided. She finally submits that as the petitioner has since accepted all his retirement benefits including pension, and had retired from service on 30.06.2022, after signing the pension papers indicating that he had accepted his date of birth as 1964, no relief will be permissible to him at this late stage.

4. Mr. K. Kharmawphlang, learned counsel for the respondent No. 6, has also adopted the submissions made by the learned Senior GA and



further submits that by operation of S.R. 8(a) of F.R. & S.R. Rules 1984, and on the papers as supplied by the State respondents, the pension case of the petitioner was processed by taking into account the date of birth of the petitioner as 01.07.1964, and the date of retirement as 30.06.2022.

5. Having heard the learned counsel for the parties, the case of the petitioner can be seen to be grounded only on the reason given by him that he was unaware about his year of birth being shown as 1964, instead of 1967, throughout his service career, and that he came to learn about this discrepancy only after being served with the notice of superannuation dated 10.05.2022. To appreciate his contention, the records and materials as produced have been perused thoroughly. What strikes this Court, in the first instance is that, there are two entries of the year of birth in the service record i.e. 1964 and subsequently 1967. To the naked eye, it can be easily discerned that 24.01.1967, was entered after the service record had recorded 1964, as the year of birth, and further there is no endorsement showing as to how or when, this correction was allowed. Apart from the submissions of the petitioner that, the same was corrected on the basis of the School Certificate, no material is present to show as to when the School Certificate was supplied, or any order allowing such correction by the respondents. Another aspect that cannot escape the attention of this Court is the fact that as per the verification roll (Annexure – I to the affidavit of the



respondent No. 5), at the time of entry of service, the same clearly shows that the year of birth as 1964, which is acknowledged by the petitioner, who has also appended his signature and the same endorsed by the then respondent No. 5. Though other supporting documents have been appended to the writ petition such as the ID Card, showing the date of birth to be 24.01.1967, in view of the overwhelming materials present indicating the same to be 1964, as recorded initially in the service roll, the same is disregarded.

6. In view of the facts and discussions made herein above, the petitioner has not been able to make out a case for correction of his date of birth, and as such, his prayer made after his retirement cannot be considered. The authorities placed by the learned counsel for the petitioner being on a differing footing, are of no assistance to the case of the petitioner.

7. Accordingly, this writ petition stands dismissed and disposed of.

Judge

Meghalaya
24.06.2024
"D.Thabab-PS"

DARIHUN THABAH

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