

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No. 1508 of 2026 in
LPA No. 540 of 2026
Decided on : 22.09.2026

Basu Dev Sharma

...Appellant

Versus

State of HP and others

...Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellant:

Mr. Rajesh Kumar and Mr. Vishal Verma,
Advocates.

For the respondents :

Ms. Priyanka Chauhan, Deputy Advocate
General, for the respondents/State.

G.S. Sandhawalia, Chief Justice (Oral)

CMP No. 24071 of 2026

For the reasons given in the application, duly supported by an affidavit, delay of 40 days in re-filing the appeal is condoned. The application stands disposed of.

CMP(M) No. 1355 of 202

Keeping in view of the averments made in the application, duly supported by the affidavit of the official, delay of 147 days in filing the appeal is condoned.

Application stands disposed of.

¹ *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

LPA No. 540 of 2026

The consideration is sought of the judgment passed by the learned Single Judge in CWPOA No. 4575 of 2020, titled Basu Dev Sharma vs. State of H.P. and others, decided on 23rd July, 2025, whereby the learned Single Judge has declined, as such, to grant the relief of direction for correction of date of birth in the relevant record from 28th July, 1967 to 25th July, 1968.

2. The learned Single Judge noticed that there was no explanation as to what prevented the employee from seeking the relief against the State in the earlier application filed before the Tribunal or in the civil suit filed by him, and it reflected a lack of bona fides, due to which he could not be granted relief in equity.

3. Reliance was also placed upon Rule 7.1 of the Himachal Pradesh Financial Rules, 1971, Volume 1, which provides that the correction of date of birth can be done within a period of two years from the time of joining the Government service. Rule 56 provides that such an application should be made within five years, whereas the correction was prayed for in the year 2015 for the first time, after having joined service as a Clerk in the Department of Education in 1989 on the basis of the matriculation certificate issued by the Himachal Pradesh Board of School Education, wherein his date of birth was recorded as 28th July, 1967.

4. The Board had earlier rejected the claim on 25th September, 2003, and the first application was filed before the Tribunal

in the year 2004 with a direction to dispose of the same, which was decided by the Secretary of the Board. The Board had rejected the representation, but in the civil suit, the State was not made a party, and the correct date of birth was then corrected to 25th July, 1968, on the basis of which the representation made was eventually rejected in 2018.

5. It was also not disputed that for the first time, the rejection was done by the State on 14th May, 2018. Thereafter, the matter was agitated by filing Original Application No. 3243 of 2018 before the Tribunal and eventually, came to be decided by the impugned order, wherein the date of knowledge was stated to be 2003, whereas in the record of the Panchayat, the date of birth was recorded as 25th July, 1968.

6. It thus goes on to show that the learned Single Judge has rightly held that the State had not been arrayed as a party in the civil suit, and the relief of correction, which was a composite relief and an interconnected cause of action, was left aside, and a decision was taken at the back of the State. The necessary correction was then got done in the matriculation certificate after having obtained the benefit of service way back in 1989 on the basis of another certificate in which a different date of birth had been recorded. In such circumstances, this Court is of the considered opinion that the learned Single Judge has correctly held that the conduct of the petitioner lacks bona fides.

7. Even otherwise, it is a settled principle, as held by the Apex Court in **(1993) 2 SCC 162, Union of India v. Harnam Singh**, that alteration cannot be allowed in view of the unexplained delay, even

though no specific period of limitation, as such, is provided. It was noticed that necessary incorporation has been provided subsequently, providing limitation, as such. In that case, the dispute was pertaining to a representation made in the year 1991, where the employee had entered in service in 1956, and it was held that the request had been belatedly made and did not merit any consideration, and therefore, the order passed by the Tribunal issuing direction to correct the date of birth was set aside. The said judgment is squarely applicable to the facts and circumstances, and the learned Single Judge has also relied upon another Division Bench judgment of this Court taking a similar view in ***CWPOA No. 4998 of 2020, titled Ram Krishan v. H.P. State Electricity Board and others, decided on 27.06.2023***, which also refers to Harnam Singh (supra) on the same issue that a request for change of date of birth in service is to be made at the earliest.

8. In such circumstances, we see no plausible reason to interfere with the well-reasoned judgment passed by the learned Single Judge. Accordingly, the appeal is dismissed, along with the pending miscellaneous applications, if any.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

22nd September, 2026
(Tarun Singh)