

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 1105 of 2006

- Smt.Surajmati Devi, Daughter of Late Shri Barahil Ram, Widow of Late Jawahar Ram, aged 59 years, Retired Assistant Teacher Chando, resident of village Chando, Tahsil Samari, District Sarguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary Tribal Welfare Department of Chhattisgarh Govt. D.K.S. Bhawan Raipur (Chhattisgarh)
2. Commissioner Tribal Welfare Department of Chhattisgarh Govt. University Complex Raipur, (Chhattisgarh)
3. Assistant Commissioner Tribal Development of Department of Sarguja (Ambikapur) Distt. Sarguja (Chhattisgarh)
4. Principal Govt. Higher Secondary School Chando, Tahsil Samari, (Kusmi) District Sarguja (Chhattisgarh)

---- Respondents

For Petitioner	: Shri J.S. Baraik, Advocate
For Respondent/State	: Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/05/2015

1. Petitioner is a retired Assistant Teacher having been superannuated on 31/12/2005. She has preferred this writ petition after her retirement seeking correction of date of birth in the Service Book and consequent extension of service or payment of salary in lieu thereof.

2. Admittedly, when the petitioner joined the services as Assistant Teacher in the year 1961 she was only middle standard passed. At the time of preparation of Service-Book her date of birth was mentioned therein as 01/01/1944. During the period from 1961 to 2005 the petitioner never raised any objection regarding the entry of date of birth. About two months prior to her retirement, she allegedly became aware of wrong entry of her date of birth. It is at this stage she started objecting to this wrong entry and raising a claim that her correct date of birth being 01/01/1947 the same should be recorded in the service book and her services be extended for a period of three years.

3. Shri Baraik, learned counsel would submit that since the petitioner was offered employment at the age of 15 years, however, she could not have been lawfully employed at that age, the superior officer wrongly entered her date of birth as 01/01/1944 to demonstrate that on the date of joining services, age of the petitioner was 18 years. He would further submit that petitioner has lost three years of services, therefore, she is entitled for salary of the said period.

4. Shri Shrivastava, learned State counsel would oppose the prayer made in the writ petition on submission that change of entry concerning date of birth is not permitted at the fag end of the service.

5. In ***U.P. Madhyamik Shiksha Parishad and Others Vs. Raj Kumar Agnihotri, (2005) 11 SCC 465*** the Supreme Court has held that correction in entries made in government records on the basis of which the government servant got the service cannot be allowed to be changed just a few years before retirement or at the fag end of his retirement.

6. In view of the foregoing as also for the reason that the petitioner has enjoyed the benefit of service at the age when she was not entitled to government job, the writ petition being bereft of any substance, it deserves to be and is hereby dismissed.

J U D G E