

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1810 of 2015**

- Holiram S/o Late Ronha Aged About 56 years Working As Gangman In P.W.D. R/o Village Bodhapara, Post - Kanteli, Tahsil And District Mungeli Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Publics Works, Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. Engineer-in-Chief, P.W.D. Sirpur Bhavan Civil Lines Raipur Chhattisgarh
3. Chief Engineer, P.W.D. Division Bilaspur District Bilaspur Chhattisgarh
4. Executive Engineer P.W.D. Division Mungeli, District Mungeli, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sanjeev Sahu, Advocate
For Respondents/State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/07/2015**

1. Petitioner is working as Gangman in the department of PWD, he has preferred this writ petition seeking correction of the entry concerning his Date of Birth (for short 'DOB') in his service-book.
2. The petitioner entered the service on 1.5.1981. While preparing his service-book, his DOB was mentioned as 1-9-1953. In the service-book the petitioner has appended his thumb impression endorsing the said DOB. Although the petitioner is in service since last 33 years, he did not raise any

dispute about the DOB at the first available opportunity, but has preferred this writ petition in May, 2015.

3. Shri Sahu, learned counsel for the petitioner would submit that as per the school leaving certificate, issued by the school authorities, where the petitioner studied in class 1st, would substantiate that his DOB is 12-7-1961.
4. Ordinarily, prayer for correction of entry concerning DOB is not entertained at the fag end of service. Para 84 & 85 of the State Finance Code makes provision concerning DOB of a Government servant. It says that except for correction of clerical mistake, prayer for change in DOB would not be entertained. Even otherwise, petitioner's claims is based on school leaving certificate of Class-1 and not on the basis of any certificate of clinching nature like Higher Secondary School Certificate Examination.
5. It has been settled by the Supreme Court that raising of dispute regarding DOB at the fag end of service is not permissible. (See: **U.P. Madhyamik Shiksha Parishad and others Vs. Raj Kumar Agnihotri¹** and **State of Madhya Pradesh and others Vs. Premlal Shrivastava²**)
6. For the foregoing, there is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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¹ (2005) 11 SCC 465

² (2011) 9 SCC 664