

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3101 of 2015

Ganesh Singh, S/o Samelal, aged about 46 years, R/o Village
Barwasan, Tahsil – Pendraroad, P.S. Gaurela, Civil & Revenue District
Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Principal Secretary, Public Work Department,
Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Superintending Engineer, Public Works Department Bilaspur, Division
Bilaspur (Chhattisgarh)
3. Executive Engineer, Public Work Department, Pendra, Division, Pendraroad,
District Bilaspur (Chhattisgarh)
4. Sub Divisional Officer, Public Works Department, Pendraroad Division,
Pendraroad, District Bilaspur, Chhattisgarh

---- Respondent s

For Petitioners	Mr. Basant Dewangan, Advocate
For Respondent /State	Mr. Y.S. Thakur, Dy. A.G.

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

26/8/2015

Heard.

- (2) The petitioner has preferred this writ petition seeking correction of his date of birth in the service record.
- (3) The petitioner was appointed as daily wager labourer in the Department of Public Works in the year 1982. He was regularized in the service on 23.08.2008. In the said order of regularisation, it was mentioned that the employees should verify their date of first appointment and date of birth and in the event of any discrepancy, the office should be informed.
- (4) By moving an application on 23.01.2012, the petitioner for the

first time requested to correct his date of birth by mentioning the same as 18.05.1968. This application was moved on the basis of the mark sheet of Class-I examination and *Dakhil-Kharij* register. On verification, the Department found that the *Dakhi-Kharij* register carries date of birth of the petitioner as 11.06.1972. There being two different entries in the *Dakhil-Kharij* Register, the Head Master of the School, where the petitioner studied Class-I, was requested to send his opinion, however, there is nothing in the record as to what opinion was sent by the Head Master.

(5) On bare perusal of the mark sheet (Annexure P/3), it would appear that the same does not contain the admission number or the date of issuance of mark sheet and at several places, signature of the Teacher is missing. The mark-sheet also mentions that the petitioner has passed Class-I examination in II Division, whereas, ordinarily, the Division is not allotted in Class-I examination.

(6) It has been settled by the Supreme Court that raising of dispute regarding date of birth 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**)

(7) In view of the settled legal position, this Court does not find any substance in the writ petition. The writ petition deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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1 (2005) 11 SCC 465

2 (2011) 9 SCC 664