

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 374 of 2016**

- Su Shri Vimla Singh D/o Shri Krishna Sharan Singh, Aged About 60 Years, Govt. Higher Secondary School, Rengakathera (Bhakhat) Block Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Govt. Of Chhattisgarh Through The Secretary, Education Department Ministry Mahanadi Bhawan New Raipur, Chhattisgarh P.S. Rakhi,
2. Director Of Public Instruction Indrivati Bhawan, New Raipur Chhattisgarh P.S. Rakhi,
3. District Education Officer, Rajnandgaon Chhattisgarh

---- Respondent

For Appellant	Shri B. D. Badgayan, Advocate
For Respondent-State	Shri U. N. S. Deo, GA

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**11/08/2016**

1. Although, the writ appeal is barred by 55 days, yet with the consent of the learned counsel for the parties, the matter was heard on merits. The learned Single Judge has dismissed appellant's writ petition, wherein she has prayed for correction of

her date of birth in the service record. It was stated that in her service book, the date of birth is recorded as 07.12.1954, whereas her actual date of birth as appearing in the School Leaving Certificate issued by the Government Primary School, Banbarad, Tahsil Dhamdha, District Durg is 06.12.1956. The Certificate was obtained by appellant on 05.10.2015.

2. It is argued that the appellant was not aware about her date of birth being 06.12.1956, which she could know only when she went to the concerned school for obtaining the Transfer Certificate of her elder sister Kamla Devi. The appellant would, thus, try to explain the delay in moving the application for correction in the date of birth.
3. The appellant is presently working as Principal, Government Higher Secondary School, Rengakathera (Bhakhat), Block and District Rajnandgaon. It is, thus, apparent that the appellant is a matriculate, however, the appellant has not furnished her Mark Sheet or Certificate of Matriculate/Higher Secondary Examination to demonstrate that in the said Certificate, her date of birth is mentioned as 06.12.1956. Ordinarily, an application for correction of date of birth in the service book is not entertained at the fag end of service unless the recorded entry is so perverse or illogical that it needs correction instantly. Correction may be directed in a given case, if the prayer is made within reasonable time after the entry into the service and that too is based on the date of birth

mentioned in the Higher Secondary Certificate.

4. While dismissing the writ petition, the learned Single Judge has referred to Rule 84 of the Chhattisgarh Financial Code Part-I to conclude that there cannot be alteration of date of birth, if there is no inconsistency or typographical error in the entry of date of birth recorded in the service book. The provisions contained in the Financial Code thus curtails the right of a government servant to seek correction in date of birth only on the basis of proved inconsistency or typographical error and not in any other eventuality.
5. Despite giving anxious consideration, we do not find any error in the judgment rendered by the Single Bench. The writ appeal is bereft of any substance, it deserves to be, and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Sd/-

Judge

Chandra Bhushan Bajpai