

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 236 of 2016**

Ashok Singh Kshatri, Son of Chhedi Lal Kshatri, now aged about 59 years, Head Constable No.978, R/o. Village Pakariya, P.S. Takhatpur, District Bilaspur (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, Through: The Secretary, Department of Home (Police), D.K.S. Bhawan, now new Mantralaya, Raipur (C.G.)
2. Director General of Police, Police Head Quarter, Raipur (C.G.)
3. Inspector General of Police, Bilaspur Range, Bilaspur (C.G.)
4. Superintendent of Police, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Appellant : Mr. Uttam Pandey, Advocate.

For Respondents : Mr. Vinod Deshmukh, Govt. Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

16/08/2016

(1) This appeal by the appellant is directed against the order dated 22.02.2016 passed by learned Single Judge of this Court, whereby his writ petition praying for correction of the date of birth has been dismissed.

(2) The appellant joined the services as Constable in the State Police on 15.06.1979. His date of birth was recorded in the service record as 12.06.1951, whereas he claims that his correct date of birth is 12.06.1957.

In support of this, he has relied upon the certificate in the form of Class 10th mark-sheet and the school register where the appellant has undergone his primary education. However, his matriculation certificate continues to show his date of birth as 12.6.1951. No efforts has been made by the appellant to get the matriculation certificate corrected. Furthermore, for the first time, appellant applied for correction of his date of birth in the year 2003 and according to him no order was passed on his application.

(3) We cannot accept the plea of the appellant that since no order was not passed on his application, he was under the impression that his application has been allowed. Next time, the petitioner made such submission at the time when he is at the verge of retirement. As per the Rules, application for correction of date of birth should be made within five years from entering into the services. The claim of the appellant for correction of his date of birth is at the belated stage, therefore, we are of the view that the learned Single Judge has not committed any illegality in dismissing the appellant's claim for correction of his date of birth.

(4) Accordingly, the writ appeal fails and is hereby dismissed.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K.Agrawal)
Judge

D/-