

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 322 of 2016**

Smt. Sumitra Uike W/o Shri Lalaram Uike, Aged About 62 Years
Occupation Service, Head Mistress, Goverment Primary School
Kopabeda Block Kondagaon, District Kondagaon, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, School Education
Department Mantralay, New Raipur, District Raipur Chhattisgarh
2. The District Education Officer, Kondagaon, District Kondagaon
Chhattisgarh
3. The Block Education Officer, Kondagaon, District Kondagaon
Chhattisgarh

---- Respondents

For Appellant	:	Shri N.K. Malviya, Advocate
For Respondents/State	:	Shri Arun Sao, Dy. Advocate General

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

Per Prashant Kumar Mishra, J.**14/07/2016**

1. This Writ Appeal is directed against the order passed by the learned Single Judge in Writ Petition (S) No.736/2016 on 10.3.2016, dismissing appellant's Writ Petition wherein he had prayed for direction to the respondents to correct her date of birth in the Service Book.

2. It is claimed that the appellant's date of birth is 2.7.1956, whereas, her date of birth is wrongly recorded in the Service Book as 23.6.1954. When the appellant preferred representation before the Block Education Officer, the same was dismissed on 23.12.2015 in view the provisions contained in Rule

84 of the Chhattisgarh Financial Code.

3. While dismissing appellant's prayer in the Writ Petition, the learned Single Judge, in view of the provisions contained in Rule 84 of the Chhattisgarh Financial Code, has held that when the date of birth of the appellant/petitioner is recorded in the Service Book on the basis of entry of date of birth in the matriculation certificate, no case for a direction to change the date of birth would be allowed.

4. The Supreme Court in **(2010) 11 SCC 702, Manoj Kumar Vs. Government of NCT of Delhi and Others** has held that the date of birth recorded in the matriculation certificate has to be given credence unless it is a case of proven mistake in recording such date of birth.

5. Even otherwise, the appellant was aware about recording of her date of birth in the Service Book right from the stage of her entry in the service, but she kept quiet throughout her service carrier and moved an application for correction of the date of birth at the fag end. Such prayer at the fag end of service is not permissible as held by the Supreme Court in **(2010) 9 SCC 337, State of Haryana Vs. Satish Kumar Mittal and Another** and **(2010) 6 SCC 482, Punjab & Haryana High Court At Chandigarh Vs. Megh Raj Garg and Another**.

6. For the foregoing reasons, the order passed by the learned Single Judge is unexceptionable, therefore, no case is made out for interference in the Writ Appeal.

7. Accordingly, the Writ Appeal is dismissed.

Sd/
JUDGE

(Prashant Kumar Mishra)

Sd/
JUDGE

(Chandra Bhushan Bajpai)

