

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.109

**CWP No.11342 of 2016
Date of decision: 01.06.2016**

Savitri Devi

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Devinder Punia, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner who serves the respondent-State as a Sweeper seeks correction of her date of birth.

After hearing learned counsel for the petitioner and going through the record of the case, the facts which have emerged are that the petitioner joined the services of the respondent-State in the year 1998 as a Sweeper on recommendation of her case through the Employment Exchange. At that time, the recorded date of birth of the petitioner in the Employment Exchange was 01.01.1967. Thereafter, the petitioner was medically examined in the year 2004 and in the medical certificate (Annexure P-2) issued after such examination her age was certified as 47 to 48 years. Then again, at the time of regularization of her services, the petitioner underwent a medical examination through which her age was determined to be between 50 to 60 years.

As if the afore-referred dispute on facts with regard to the petitioner's date of birth was not enough, learned counsel for the petitioner refers to the School Leaving Certificate of the petitioner (Annexure P-7) where her date of birth is given as 05.07.1965.

Learned counsel for the petitioner seeks issuance of a direction to the respondents to treat her date of birth as 05.07.1965 and consequently, a direction to the respondents to permit the petitioner to continue in service till 31.07.2025.

In view of the facts as noticed above, the date of birth of the petitioner is seriously disputed. The medical reports as also the date of birth of the petitioner which likely would have been given by her to the Employment Exchange, do not sync with the date of birth given in the School Leaving Certificate. Once, at the time of getting enrolled before the Employment Exchange, the petitioner herself had given her date of birth as 01.01.1967 and has not challenged the medical reports dated 23.01.2004 and 16.06.2013 (Annexure P-2 and P-4, respectively), at the time of issuance of the order of retirement at a much later date, on the principle of estoppel cannot be allowed to do the same.

Even otherwise, the afore-referred serious dispute on facts with regard to the petitioner's date of birth cannot be gone into by me in the exercise of writ jurisdiction under Article 226 of the Constitution of India.

Dismissed.

(DEEPAK SIBAL)
JUDGE

June 01, 2016

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