

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2440 of 2017

Gulabchand Sharma S/o Bhanwarlal Sharma, Aged About 61 Years Retired Assistant Grade- 3, Community Health Centre, Ambagarh Chowki, District Rajnandgaon (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya New Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
2. The Joint Director, Office Of Directorate Of Health Services Chhattisgarh, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Chief Medical And Health Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
4. The Block Medical Officer, Community Health Centre, Ambagarh Chowki, District Rajnandgaon (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri C.K. Sahu, Advocate
For State	:	Shri Arvind Dubey, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/06/2017

Heard.

1. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for direction to respondents to correct his date of birth as recorded in the service records of the petitioner and to extend further monetary benefits of treating the petitioner as having continued in service beyond the actual date of retirement until he actually attained 62 years of age.
2. What is evident from the pleadings and documents on record is that the petitioner entered into service in the year 1986 and at that time, presumably he had declared his date of birth as 1.5.1955. This was dully recorded in service book. Thereafter, the petitioner continued in service until he retired upon attaining the age of superannuation on 30.4.2017. There is neither any averment nor any document on record to show that after entering into service,

the petitioner applied to the respondents for correction of date of birth but no steps were taken. The documents on record only show that at the fag end of service, the petitioner started claiming that his date of birth as recorded in the service book may be changed.

3. It is clear that on petitioner's own voluntarily declaration made at the time of entering into service, his date of birth was recorded and just before his retirement, the petitioner started claiming change of date of birth. The legal position has been very well settled in plethora of decisions, where their Lordships in the Supreme Court have time and again reiterated that a person who has entered into service by voluntarily declaring a particular date of birth, cannot be permitted to seek change of his date of birth at the fag end of his service. In the case of **State of Madhya Pradesh and Ors. Premlal Shrivastava** (2011) 9 SCC 664, the Supreme Court has held as under:

“12. Be that as it may, in our opinion, the delay of over two decades in applying for the correction of date of birth is ex-facie fatal to the case of the respondent, notwithstanding the fact that there was no specific rule or order, framed or made, prescribing the period within which such application could be filed. It is trite that even in such a situation such an application should be filed which can be held to be reasonable. The application filed by the respondent 25 years after his induction into service, by no standards, can be held to be reasonable, more so when not a feeble attempt was made to explain the said delay. There is also no substance in the plea of the respondent that since Rule 84 of the M.P. Financial Code does not prescribe the time-limit within which an application is to be filed, the appellants were duty bound to correct the clerical error in recording of his date of birth in the service book.”

4. In view of the above, no relief can be granted to the petitioner.
5. The petition is accordingly dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge