

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 399 of 2017

- Dr. Krishna Kumar Kaware S/o Shri Yama Kaware, Aged About 57 Years Occupation Service, Working As Professor, Medicine Department, Gandhi Medical College, Bhopal, District Bhopal, Madhya Pradesh. R/o Doctors Colony, Bhopal, Madhya Pradesh.

---- Appellant/Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, Civil And Revenue District Raipur, Chhattisgarh.
2. Board Of Secondary Education, Through: Secretary, Pension Bada, Raipur, Civil And Revenue District Raipur, Chhattisgarh.
3. The Secretary, Board Of Secondary Education, Pension Bada, Raipur, Civil And Revenue District Raipur, Chhattisgarh.
4. The State Of Madhya Pradesh, Through The Principal Secretary, Health Services And Medical Education Department, Mantralaya, Bhopal, Madhya Pradesh.
5. The Director, Medical Education Directorate, Civil And Revenue District Bhopal, Madhya Pradesh.
6. District Education Officer, Bijapur, Civil And Revenue District Bijapur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Amiyakant Tiwari, Adv.
For Respondents/State	:	Shri YS Thakur, Add.A.G.
For others Respondent	:	Shri SS Rajput & Shri Avinash Tiwari, Advocates.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board By Justice Pritinker Diwaker

31/10/2017

The appellant passed his matriculation examination from

Jagdalpur in the year 1974 and in his marksheet his date of birth has been recorded as 5.2.1957. After completion of his matriculation, he got admitted in Medical College and after completion of his postgraduate degree, he joined his services as Assistant Professor in the State of Madhya Pradesh on 4.4.1990. After serving in several places, presently he is working as Professor in the Medicine Department of Gandhi Medical College, Bhopal.

02. According to the appellant/petitioner, in the year 2014 for the first time he came to know that his actual date of birth is 1.7.1959 and not 5.2.1957 as recorded in his school record and the matriculation certificate. He then approached the officers of the State of MP seeking correction of his date of birth which was rejected by the authority and the State of Chhattisgarh on verification also found that actual date of birth of the appellant is 5.2.1957, in the school certificates the same is recorded accordingly and thus request of the appellant for change of his date of birth was rejected. This gave rise to filing of a writ petition (WPS No.2886/2017) by the appellant which has been dismissed by the impugned order dated 7.7.2017 by the Single Judge holding that in all the relevant documents including the matriculation certificate and service record, date of birth of the petitioner has been recorded as 5.2.1957, the said entry cannot be called erroneous one and after expiry of about 40 years date of birth of the petitioner cannot be changed. Learned Single Judge considering various judgment of the Apex Court in paras 12, 13, 15, 16 & 17 held that date of birth of the petitioner cannot be directed to be changed after expiry of so many years.

03. Indisputably, on the basis of date of birth recorded in his matriculation certificate, the appellant undertook further studies in the medical field without raising any protest. It is difficult to comprehend as to how all of a sudden the appellant became vigilant and sought change in his date of birth in his service record. To presume that the appellant/petitioner even though signed the service-book at a number of places at different times and saw the seniority lists, may not have still come to know as to what his recorded date of birth was, is to ignore the normal human conduct and put premium on negligence. It is also to be kept in mind that any direction for correction of date of birth of the public servant has a chain reaction, that is to say, affecting the rights and interests of others waiting for years of their promotion, seniority etc. Thus, learned Single Judge considering various judicial pronouncements holding the field, the conduct of the appellant/petitioner coupled with inordinate delay in raising such dispute and other relevant materials available on record, dismissed the writ petition. We find the judgment impugned strictly in accordance with law and as such, decline to interfere therewith.

Accordingly, the writ appeal filed by the appellant/petitioner being bereft of any substance is liable to be dismissed *in limine* and is dismissed as such.

Sd/

(Pritinker Diwaker)

Judge

Sd/

(Arvind Singh Chandel)

Judge