

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

**CWP No.20568 of 2012
Date of decision:11.01.2017**

Ramesh Chand

... Petitioner

Vs.

Board of School Education, Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sudhir Aggarwal, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Senior Deputy Advocate General,
Haryana.

AMIT RAWAL J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the letter dated 02.07.2012 (Annexure P-7) vide which prayer for correction of date of birth in the matriculation certificate (Annexure P-3) with a further prayer to issue writ of mandamus directing respondents No.2 to 4 to correct the date of birth of the petitioner in the service record, has been rejected.

The contention of Mr. Sudhir Aggarwal, learned counsel for the petitioner is that he was born on 18.12.1956 and got admitted for primary education on 01.05.1963 in Govt. Primary School, village Fazilwas (Pachgaon) and at that time, his date of birth was got entered by his parents as 18.12.1956. He got admission in Government Senior Secondary School,

Manesar, Gurgaon from where he got his school leaving certificate in which his date of birth was mentioned as 18.12.1956, which is annexed as Annexure P-1. However, he left High School and got the School Leaving Certificate (Annexure P-2), wherein, in the words, his date of birth was mentioned as “Eighteen December Fifty Six” whereas in the figures it is mentioned as 18.2.1956. The same date of birth was entered in the Matriculation Certificate. It is in this regard, he made a representation before four years from the date of his superannuation. He further submits that he should not have been superannuated in the month of February, 2016, but in the month of December, 2016. The writ petition is of the year 2012. It is not his mistake but the mistake of High School Authorities, who wrongly mentioned his date of birth in the School Leaving Certificate.

Per contra, Mr. Sandeep Singh Mann, learned Senior Deputy Advocate General, Haryana submits that as per the notification dated 13.08.2001, application for correction of date of birth has to be submitted within a period of two years. No such effort has been made. In this regard, he also relies upon the ratio decidendi culled out by the Hon'ble Supreme Court in **State of Haryana vs. Satish Kumar and another 2010 AIR (SC) 3312**, whereas, the factum of moving an application almost at the end of service on the ground of delay and latches, has not been accepted and thus, urges this Court for dismissal of the writ petition.

I have heard learned counsel for the parties and appraised the

paper book and of the view that the grievance of the petitioner cannot be redressed at this stage as he submitted a representation (Annexure P-6) in the year 2012, i.e., four years before attaining the age of superannuation. He should have moved an application when he got the appointment, i.e., within two years. The factum of moving an application has also been noticed by the Hon'ble Division Bench of this Court in LPA No.1613 of 2014 titled as Ambika Kaul vs. Central Board of Secondary Education and others decided on 21.05.2015, wherein, this Court by relying upon the ratio decidendi culled out by the Hon'ble Supreme Court, held that an application filed at belated stage, i.e., few years or months before the age of superannuation cannot be entertained.

In view of the aforementioned fact, the order under challenge based upon the notification is perfectly legal and justified and does not call for any interference.

No ground is made out for interference in the impugned order.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

January 11, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No