

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1153 OF 2018

J U D G M E N T

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner in W.P.No.28382 of 2018 is the appellant. He filed I.A.No.1 of 2018 therein with the following prayer:

'Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in Writ Petition, the High Court may be pleased to direct the Respondents, more particularly, the 2nd Respondent to dispose of the representation dt. 25.07.2018 with regard to alteration of date of birth in service register of the Petitioner and continue the Petitioner in service till attaining the age of superannuation treating the date of birth of the Petitioner as 18.08.1963 instead of 18.08.1960, if necessary suspending the proceedings No.Ser.II(1)/23346/2004, dt. 01.12.2017 issued by the 1st Respondent in so far as the Petitioner is concerned, pending disposal of WP No.28382 of 2018, on the file of the High Court.

By order dated 23.08.2018, a learned Judge of this Court dismissed the said I.A. observing as under:

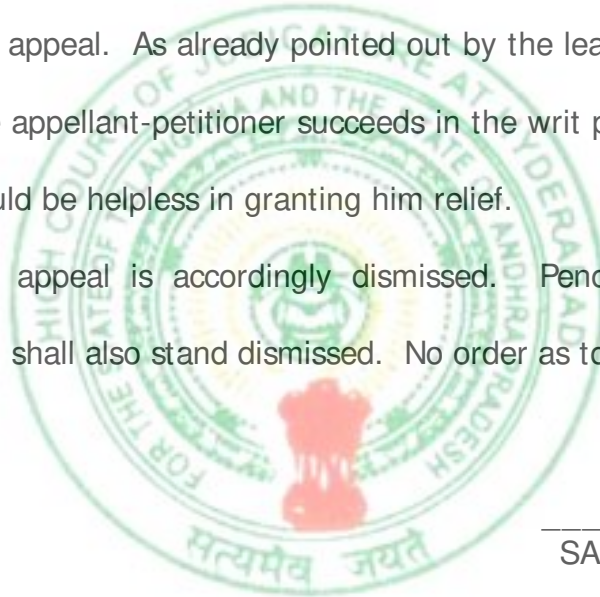
'Having regard to law laid down by Supreme Court in the above decisions, Rules governing entry of date of birth and that petitioner came to this Court few weeks before his retirement, that there is no clerical error in the entry of date of birth, balance of convenience is not in favour of the petitioner. It cannot be said that grave and irreparable hardship would be caused to him if he is retired on 31.08.2018, which cannot be remedied later if he succeeds in the writ petition. On the contrary, his continuation in service may have an adverse impact on others in service/aspiring for promotion. Accordingly I.A.No.1 of 2018 is dismissed.'

Having heard Sri P.V.Krishnaiah, learned counsel for the appellant-petitioner, we are of the opinion that no interference is called for with the

order under appeal. It is an admitted fact that the appellant-petitioner himself provided his SSC record at the time of his entry into service which formed the basis for the Service Register recording his date of birth as 18.08.1960. It is also not in dispute that the SSC record remains unaltered and still continues to show his date of birth as 18.08.1960. According to the petitioner, it is only upon receipt of the retirement notice that he realised that his SSC record indicates his date of birth wrongly.

It is well settled that an employee cannot seek alteration of his date of birth at the fag end of his service thereby seeking to extend the length of his service. In that view of the matter, we find no grounds to interfere with the order under appeal. As already pointed out by the learned Single Judge, in the event the appellant-petitioner succeeds in the writ petition, it is not as if this Court would be helpless in granting him relief.

The writ appeal is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

29th AUGUST, 2018

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