

RSA No. 2749 of 2017(O&M)
Date of Decision: 25.9.2018

Gurdeep Singh

---Appellant

versus

General Public and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. P.K.S.Phoolka, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration to the effect that date of birth of the appellant-plaintiff is 18.9.1960 in place of 18.9.1958 and the same is liable to be corrected in the certificate of Matriculation issued by the Punjab School Education Board, Mohali (in short “the Board”) was dismissed by the trial court vide judgment and decree dated 6.9.2016 that came to be affirmed in appeal by the Additional District Judge, Rupnagar.

The courts have relied upon judgments of Hon'ble the Supreme Court **Union of India vs. Ram Sua Sharma 1996(2) SLR 16** and **Union of India vs. C.Rama Swamy and others AIR 1997 SC 2055** and judgments of this court referred to in judgment passed by the trial court, to say that suit filed by the appellant after a period of 37 years is barred by limitation and the appellant is estopped from raising a plea at fag end of career that his

date of birth has been wrongly recorded and needs correction.

Counsel for the appellant would urge that plea raised by the appellant that his actual date of birth is 18.9.1960 is meritorious on the basis of documentary evidence produced on record as well as in the light of testimony of his brother Swaran Singh PW4. However, he is not in a position to dispute the ratio laid down in the judgments passed by Hon'ble the Supreme Court. Hon'ble the Supreme Court in **Ram Sua Sharma's case (supra)** has held that controversy raised in this appeal is no longer res integra. In a series of judgments, this Court has held that a Court or Tribunal at the belated stage cannot entertain a claim for correction of the date of birth duly entered in the service records. Admittedly, the respondent had joined the service on December 16, 1962. After 25 years, he woke up and claimed that his correct date of birth is January 2, 1939 and not December 16, 1934. That claim was accepted by the Tribunal and it directed the Government to consider the correction. The direction is per se illegal.

In **C.Rama Swamy and others' case (supra)** also, the court rejected the claim for correction of date of birth at a belated stage. That being so, I do not find an error much less illegality in consistent findings recorded by the Courts.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

25.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No