

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 2217 of 2004**

- Mohar Sai, son of late Jangi, aged about 50 years, working as Timber Mistry, NCPH Colliery, Chirmiri Area, resident of Haldibadi, Chirmiri, District Koriya

---- Petitioner**Versus**

1. The Chairman cum Managing Director, SECL, Seepat Road, Bilaspur (CG)
2. The Chief General Manager, SECL, NCPH Colliery, Chirmiri Area, District Koriya (CG)
3. Personnel Manager, SECL, NCPH Colliery, Chirmiri Area, District Koriya (CG)
4. The Mine Superintendent Manager, NCPH Colliery, Chirmiri Area, District Koriya.

---- Respondent

For Petitioner	: Miss GK Chawla on behalf of Miss S. Singhai, Advocate.
For Respondents	: Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/07/2019 :**

1. Challenge in this Writ Petition is to the order (Annexure-P/7) dated 28.10.2003 by which the petitioner was informed that he shall be attaining the age of superannuation on 31.7.2004.
2. The petitioner moved this writ petition on 26.7.2004 i.e. 4 days prior to his proposed superannuation on the ground that his actual date of birth is 15.7.1954 and not 15.7.1944 on the basis of which he is

proposed to be retired.

3. Admittedly, the petitioner had signed B-form while entering into the service as General Mazdoor, Category-III. The said document is available as Annexure-P/2 mentioning his date of birth as 15.7.1944. His date of birth is also recorded in words. When the petitioner started raising dispute as to the correctness of his date of birth shown in B-form, he was referred to the Age Determination Committee which also found that his date of birth mentioned in B-form as 15.7.1944 should be treated as correct. Thus, the petitioner has also been subjected to mechanism of determination of age by the Age Determination Committee.
4. At this stage, it is argued that in the service record of the petitioner, his date of birth was mentioned as 15.7.1954, but the same was sought to be changed after 21 years, therefore, it is the mistake of the respondents in not mentioning correct date of birth and changing the same without notice to the petitioner.
5. It is not a case that from the date of entering into the service the petitioner's age was mentioned as 15.7.1954. At that stage his date of birth was mentioned as 15.7.1944. Merely because in some other service record the petitioner's date of birth was mentioned as 15.7.1954, the entries available in the statutory B-form would not lose its sanctity.
6. Even otherwise, the law is well settled that an employee cannot be permitted to challenge his recorded date of birth at the fag end of his service. The Division Bench of this Court in the matter of **South**

Eastern Coalfields Limited & Others Vs. Sampat Kumar Chauhan {WA No.399/2014, decided on 27.2.2015} has settled the dispute, which was affirmed by the Hon'ble Supreme Court in SLP(C) No.19199/2015 on 20.7.2015. Same view has also been taken in another Division Bench judgment of this Court in the matter of **Amarjeet Singh Vs. SECL** {WA No.84/2014, decided on 20th November, 2014}.

7. For the foregoing, the writ petition being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve