

**Sr. No.120
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.7542 of 2019 (O&M)

Date of Decision: 10.07.2019

Pushpa Rani

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to correct the date of birth in her service record.

2. Petitioner was appointed as 'Guard' in Punjab Home Guards at Ludhiana on 08.07.1987. As per school certificate, petitioner's date of birth was 30.06.1963. Few years after joining service, petitioner on or around July, 2006 came to know that date of birth is recorded as 30.06.1961 in her employment data. She made several requests to respondent No.2 for correcting her date of birth in her service record.

3. A perusal of the writ petition would reveal that petitioner for the first time submitted the affidavit for correction of her date of birth on 13.07.2006 (Annexure P-2). In this regard, she states that she approached the respondents several times but respondents never paid attention to the grievance of the

petitioner.

4. On advance service of the petition, Ms. Anu Chatrath, Senior Advocate assisted by Ms. Ambika Bedi, AAG, Punjab appears to assist on behalf of the respondents.

5. Learned Senior counsel points out that admittedly request for change of date of birth for the first time was received in the year, 2006 i.e. after 19 years of having rendered service on that short ground alone writ petition is liable to be dismissed in limine.

6. After hearing the rival arguments, I am of the view that petition is devoid of any merit and deserves to be dismissed at the very threshold. As per Note 3 of Rule 2.5 of Punjab Civil Service Rules, Volume I, Part I, no change is permissible once an employee has filled his employment form and joined the service. The same is reproduced hereinbelow:-

“Note 3–

The date of birth given by an employee, in his application form, submitted to a recruiting agency viz the Punjab Public Service Commission or the Punjab Subordinate Services Selection Board or the Departmental Selection Committee as the case may be, shall be treated as final and no change in it shall be allowed after entry into Government service.”

For administrative instructions in respect of alterations in the date of birth see Annexure “A” to this Chapter

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ANNEXURE ‘A’

(Referred to in Rule 2.5 and Note 3 thereunder)

1. “In regard to the date of birth, a declaration of age made at the time of or for the purpose of entry into Government service shall, as against the

Government employee in question, be deemed to be conclusive. The employees already in the service of the Government of Punjab on the date of coming into force of the Punjab Civil Services (First Amendment) Rules, Volume - I, Part-I, 1994, may apply for the change of date of birth within a period of two years from the coming into force of these rules on the basis of confirmatory documentary evidence such as Matriculation Certificate or Municipal Birth Certificate, etc. No request for the change of date of birth shall be entertained after the expiry of the said period of two years. Government, however reserves the right to make a correction in the recorded age of a Government employee at any time against the interests of the Government employees when it is satisfied that the age recorded in his service book or in the History of service of a Gazetted Government employee is incorrect and has been incorrectly recorded with the object that the Government employee may derive some unfair advantage therefrom”.

7. In view of the above, there is no scope of interference by this Court in extra ordinary writ jurisdiction under Article 226 of the Constitution of India and writ petition is, accordingly, dismissed.

10.07.2019

vandana

**(ARUN MONGA)
JUDGE****Whether speaking/reasoned
Whether Reportable****Yes/No
Yes/No**