

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.18308 of 2019 (O&M)
Date of Decision.09.07.2019**

Harichand

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naveen Singh Panwar, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

Prayer in present writ petition is for quashing of the impugned letter dated 29.05.2019 (Annexure P-7) and entry reflecting incorrect date of birth in service book of the petitioner i.e. 6.7.1959 with further prayer for issuance of mandamus directing respondents to rectify mistake as actual date of birth of petitioner is 23.05.1964.

Mr. Panwar, learned counsel appearing for the petitioner submitted that petitioner was born on 23.05.1964 in village Khewra and studied upto fifth in Government High School, Khewra. In records of school, his date of birth was recorded as 23.05.1964, which is reflected in transfer certificate issued by Government High School on 22.02.1983 (Annexure P-1). On 19.11.1982, petitioner joined erstwhile Municipal Committee, Sonipat as Sweeper, which was converted into Municipal Corporation.

In April, 2019, list of Sweepers issued by Municipal Corporation, Sonipat indicated date of birth of petitioner as 6.7.1959 instead of 23.05.1964. Petitioner after joining was required to give an affidavit regarding date of birth and petitioner as per his memory

mentioned his date of birth as 15.04.1962 but surprisingly service book of the petitioner is reflecting date of birth as 06.07.1959. Finding no way out, petitioner served legal notice dated 1.5.2019 (Annexure P-6) but same has been rejected vide impugned order dated 29.05.2019 (Annexure P-7).

Petitioner again secured copy of date of birth certificate from Government Primary School, Khewra, Rai, District Sonipat reflecting his date of birth as 23.05.1964 and therefore, sought indulgence of this Court for correction of same.

Counsel for petitioner has drawn attention this Court to Rule 7.3 of the Punjab Financial Rules, Volume 1 as applicable to State of Haryana that every person newly appointed to a service or a post under Government is required to declare at the time of appointment his date of birth. Therefore, entry can be rectified at any time if it is a clerical error and not intentional. This fact has not been noticed by authorities and therefore, impugned order is liable to be set aside.

I have heard learned counsel for petitioner, appraised paper book and of view that representation is liable to be dismissed for simple reason that date of birth given in affidavit is 15.04.1962 whereas in service book is mentioned as 06.07.1959 and now petitioner seeking to rectify date of birth as 23.05.1964 on the basis of primary school transfer certificate. Writ petition is wholly bereft of averment as to how and under what circumstances, petitioner acquired knowledge of date of birth and during all this period, was not aware of entry in service book. Three dates of birth in dispute i.e.

23.05.1964, 15.04.1962 and 06.07.1959 have gone unexplained. In such circumstances, without any cogent proof, department vide order dated 29.05.2019 (Annexure P-7) has rightly rejected request of petitioner for correction in date of birth.

No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 09, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No