

**236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-5009-2014 (O&M)
Date of decision : 11.03.2019**

Hardip Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S.Mann, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN J. (ORAL)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ of Certiorari for quashing the order dated 12.05.1999 (Annexure P-1), passed by respondent No.3, thereby dismissing the petitioner from service; order dated 06.09.2004 (Annexure P-2), passed by respondent No.2, whereby the appeal of the petitioner was dismissed; order dated 07.09.2006 (Annexure P-6), passed by the Inspector General of Police, Commando, Punjab, Bahadurgarh, Patiala, dismissing the revision petition moved by the petitioner; and order dated 15.01.2013 (Annexure P-8), passed by the Inspector General of Police, Commando, Punjab, Bahadurgarh, Patiala, whereby, the revision petition filed by the petitioner on 30.08.2005 has also been dismissed.

It is contended that the petitioner was recruited in the Punjab Armed Police on 05.08.1993. At the time of his joining, the date of birth of the petitioner was recorded as 08.05.1972. The respondents had retained the original certificates for verification from the Punjab School Education Board (for short, 'the PSEB'). On enquiry by the respondents, the PSEB vide reply dated 20.08.1998, informed that as per record, the date of birth of the petitioner is 03.03.1968 and not 08.05.1972. On the basis thereof, departmental proceedings were initiated against the petitioner and after inquiry, he was dismissed from service vide impugned order dated 12.05.1999 (Annexure P-1) by holding that the petitioner himself had changed his date of birth on the matriculation certificate. The statutory appeal of the petitioner was also rejected on 06.09.2004 (Annexure P-2). Thereafter, the petitioner preferred CWP-622-2005 before this Court which was disposed of on 13.01.2005 (Annexure P-3) with the direction to consider the claim of the petitioner after considering the documents submitted by him. Meanwhile, the PSEB rectified the error vide report dated 31.03.2005 (Annexure P-4). Thereafter, the petitioner filed a revision petition on 30.08.2005 but the said was also rejected vide order dated 07.09.2006 (Annexure P-6).

It is contended that the variation in the date of birth of the petitioner has crept in on account of the mistake committed by the PSEB and the same is not attributable to the petitioner. Subsequently, the PSEB has rectified the error vide report Annexure P-4. Therefore, the impugned orders

are liable to be set aside.

On the other hand, learned State counsel submits the petitioner erased his correct date of birth and entered wrong date in order to lower his age, therefore, he has rightly been dismissed from service.

Heard.

It is to be noticed that pursuant to the orders passed by this Court in CWP-622-2005, the legal notice served by the petitioner upon PSEB was decided vide order Annexure P-4. A perusal of the order reveals that the date of birth of the petitioner is in fact 08.05.1972. However, in the gazette published by the PSEB, the date of birth was wrongly reflected as 03.03.1968. Therefore, the necessary correction in the date of birth of the petitioner was allowed vide order dated 28.03.2005. Once the PSEB has admitted its mistake and corroborated the stand of the petitioner with regard to his date of birth as 08.05.1972, the respondent-authorities fell in error in ignoring the same inasmuch as it was the wrong report issued by the PSEB which formed the basis of the orders of dismissal passed against the petitioner. Furthermore, the alleged certificate issued by the Municipal Corporation showing date of birth of the petitioner as 08.06.1972 has not seen the light of the day.

In view of the above, the instant petition is accepted. The impugned orders Annexures P-1, P-2, P-6 and P-8 are hereby quashed. The petitioner is ordered to be reinstated in service with all consequential benefits including continuity of service and seniority etc. However, he shall

not be entitled to any back-wages. The necessary exercise be completed within a period of six weeks from the date of receipt of a certified copy of this judgment.

11.03.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No