GAHC010164562015

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 1729/2015

1:RABIN CHANDRA DEKA
S/O- LT. BHABIN CH. DEKA, R/O VILL.- JAJIKONA, P.O.- MADHUKUCHI, P.S.- RANGIA, DIST.- KAMRUP, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, EDUCATION DEPTT., DISPUR, GHY- 6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

3:THE SECRETARY
BOARD OF SECONDARY EDUCATION
ASSAM
GHY- 21

Advocate for the Petitioner : MS.T SOM

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA

ORDER

Date : 04-02-2020

Heard Mr. M. K. Sharma, learned counsel for the petitioner. Also heard Mr. T.

C. Chutia, learned Standing counsel for SEBA.

2. The petitioner presently working as a Headmaster of Loka Priya Bordoloi M.E. School has filed this writ petition for correction of his date of birth in the service book.

3. The petitioner joined service as Assistant Teacher in the year 1989 on the strength of an HSLC certificate by the Board of Secondary Education (SEBA), wherein, his date of birth is stated to be recorded as 15.12.1961. The petitioner passed his HSLC examination in the year 1982. The petitioner is also stated to be retiring in the year 2021. The petitioner seeks change of his date of birth from 15.12.1961 to 20.12.1965 on the basis of Class-IV Primary School Leaving Certificate and Class-VII Certificate as per admission register issued by 50 Kaskata Lower Primary School and Loka Priya Bordoloi M.E. School, respectively.

4. At the time of entry into any Government service, it is the age recorded in the matriculation certificate which is taken into account by the employer and not any other date of birth recorded in any other certificate other than the matriculation certificate. It has also been pointed out by the learned Standing counsel, SEBA that under the Regulation on Examination of the Board, 2016, any correction of the date of birth recorded in the matriculation certificate is to be made within 3(three) years from the date of the examination by the Board. It has also been pointed out by the learned Standing counsel for the SEBA that correction in date of birth at fag end of service career is not permissible as held by the Hon'ble Supreme Court in the case of *State of Maharashtra and Anr. Vs. Gorakhnath Sitaram Kamble and Ors.*, reported in *(2010) 14 SCC 423*.

5. In the instant case, writ petitioner having passed his HSLC examination in the year 1982, it would not be permissible under the relevant Regulation of SEBA to correct the date of birth of the petitioner at this belated stage nor the date of birth of the petitioner can be corrected at this stage as has been laid down by the Hon'ble Supreme Court in the *State of Maharashtra (*supra), the writ petitioner being on the verge of retirement i.e. in the year 2021.

6. In view of the above, no relief as prayed for, can be granted to the petitioner by

this Court. The writ petition stands dismissed, accordingly.

JUDGE

Comparing Assistant