

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9213 of 2020

Date of Decision: July 06, 2020

Dharma

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Surinder Singh Duhan, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner was employed as a Sweeper-cum-Chowkidar in Government High School, Sirta, District Kaithal. He was appointed on part-time basis on 08.11.2002. No proof of date of birth was submitted and the petitioner was asked to obtain a certificate from Civil Surgeon, Kaithal regarding his age. This was probably necessitated as date of birth was required to be entered in the service record of the petitioner.

Vide certificate dated 13.02.2004, the Civil Surgeon, Kaithal opined that the age of the petitioner was between 43 to 44 years as on the date of the certificate. Accordingly, the date of birth of the petitioner was entered as 01.07.1960 in the service record. Thus, the petitioner was due to retire on 30.06.2020.

Prior to his date of retirement, the petitioner obtained a School Leaving Certificate dated 22.01.2020 from Government Primary School, Chhatar, District Jind in which his date of birth is mentioned as 10.12.1968. Consequently, a representation Annexure P-5 was made to the Principal for correction of date of birth. The Principal forwarded the said application to the Block Education Officer, Kaithal vide communication dated 12.02.2020. The District Education Officer,

Kaithal replied vide his reply dated 28.02.2020 stating that the necessary action was required to be taken by the Principal himself being the appointing authority. The grievance of the petitioner is that no action has been taken by the Principal since February 2020 and meanwhile the petitioner has been retired illegally.

Reliance by the petitioner on the School Leaving Certificate dated 22.01.2020 is patently misplaced. Had such a record been available, there was nothing stopping the petitioner from obtaining the same in the year 2004 when he obtained an age certificate from the Civil Surgeon Kaithal. Thus, a doubt is created regarding veracity of the School Leaving Certificate dated 22.01.2020. Moreover, it is settled law that no employee is entitled to seek a change in the date of birth in the final year of his service. Reliance can be placed upon LPA No. 1613 of 2014 titled as *Ambika Kaul vs. Central Board of Secondary Education and others, (decided on May 21, 2015)*.

Thus, there is no merit in the writ petition and the same is dismissed.

July 06, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No