

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4262 of 2021**

1. Vikas Kumar Pandey, S/o Ramsundar Pandey, Aged About 42 Years R/o Near Jain Mandir, College Road, Jashpur Nagar, District Jashpur Chhattisgarh, Pin – 496331  
**----Petitioner**

**Versus**

1. Chhattisgarh Public Service Commission, Through Secretary, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through Director Of Higher Education, Department Of Higher Education, Mantralaya, Indravati Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh  
**----Respondents**

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| For Petitioner | : | Shri Dilman Rati Minj, Advocate. |
| For State      | : | Ms. Akanksha Jain, Dy. G.A.      |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****16.08.2021**

1. The grievance of the petitioner seems to be the disqualification of the petitioner as age bar for recruitment to the post of Assistant Professor (Sociology).
2. Counsel for the petitioner submits that he has not been informed in writing about the reason for his being disqualified, he was orally informed at the time of his interview that he is aged bar and therefore he was not eligible for participation in the recruitment process.
3. The dispute in the present writ petition seems to be the two date of birth that the petitioner has, one which is reflected in the educational records and other which is reflected in the birth certificate that the petitioner has.

4. The State Counsel points out that in the application form that he has submitted to the respondents, his date of birth has been in-fact entered as 04.01.1979. Perusal of the advertisements to which the petitioner had applied would show that it was specifically mentioned that ordinarily the proof of date of birth would be the High School, Higher Secondary, or matriculation certificate or any other relevant documents as proof of the same.
5. In the instant case from the pleadings of the petitioner and the admitted factual back-drop, it appears that the entire education of the petitioner has been undertaken with this date of birth to be reflected as 08.09.1975, which includes his school certificates as also college education and also the post gradation studies.
6. It is this date of birth which is entered in the school certificates which has been accepted by the State Authorities to be the proper date of birth for declaring him age bar. Only because the petitioner has a birth certificate with a different date of birth would not give any right to the petitioner to claim his date of birth to be what is reflected in the birth certificate, unless the school certificates and other documents have been rectified in this regard and all through the educational career of the petitioner, he seems to have never made efforts in getting the date of birth corrected.
7. Even otherwise, it is settled position of law that under the normal circumstances, a valid and relevant documents which could be accepted as the proof of the date of birth are the school certificates i.e. the High School certificate, Higher Secondary certificate or Matriculation Certificate. In the instant case, the School certificate of

the petitioner reflects his date of birth as 08.09.1975 therefore for all practical purposes his date of birth has to be accepted to be 08.09.1975, unless otherwise rectification is carried out in all these records.

8. Given the said circumstances, the petitioner undoubtedly become overage in-terms-of the age limit provided by the respondent authorities.
9. For the aforesaid facts, this Court does not find a strong case made out by the petitioner calling for issuance of any direction to the respondent-authorities. The writ petition therefore fails and is accordingly rejected.

Sd/-

**P. Sam Koshy**  
**Judge**

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