

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-5336-2022

Date of Decision: March 16, 2022

Salinder Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

LISA GILL, J. (Oral)

Prayer in this writ petition is for quashing the impugned order dated 12.07.2021 (Annexue P-8), passed by Principal, Government Senior Secondary School, (Boys), Pehowa, District Kurukshetra and to change the date of birth of the petitioner from 02.08.1970 to 02.01.1973 and to consider his date of birth as 02.01.1973.

Petitioner in this case is stated to be a Guest Teacher having joined the service on 27.06.2012. It is stated that petitioner was transferred to Pehowa on 08.08.2015. His parents are stated to be illiterate and by mistake have mentioned his date of birth to be 02.08.1970 in the school register whereas his actual date of birth is 02.01.1973. Such averment is made on the basis of birth certificate dated 06.11.2020 (Annexure P-1) issued by the Additional District Registrar (Birth &Death) & Deputy Civil Surgeon, Kurukshetra.

Petitioner earlier filed CWP-8569-2021, which was disposed of on 20.04.2021, directing the Principal, Government Senior Secondary School, Pehowa, to decide the legal notice served by the petitioner by passing a speaking order within a period of three months. Principal, Government Senior Secondary School, Pehowa vide order dated 12.07.2021 (Annexure P-8) rejected the petitioner's claim while firstly observing that the said Principal is not the petitioner's appointing authority and furthermore, request for correction of age should have been made within two years of joining service. It is further observed that there is no change in the other documents of the petitioner like his educational certificates, PAN Card, Aadhar Card, Voter Card etc. in respect to the date of birth.

There are admittedly disputed questions of facts. Faced with the question of maintainability of this writ petition, learned counsel for the petitioner seeks to withdraw the same with liberty to the petitioner to avail the remedy/remedies as may be available to him in accordance with law.

Writ petition is accordingly dismissed as withdrawn with the liberty as aforementioned.

16.03.2022

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No