

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

CWP-6937-2022 (O&M)

Date of decision : April 02, 2022

Jai Bhagwan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aman Redhu, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana (on advance notice)

LISA GILL, J.

Petitioner has filed this writ petition seeking a direction to the respondents to correct his date of birth in the official records.

It is submitted that the petitioner was selected as Science Master on 30.03.1995. He joined on adhoc basis at Government Senior Secondary School, Chahar Kalan, Bhiwani and his services were regularized on 01.10.2003. It is submitted that petitioner's date of birth has been wrongly recorded as 20.03.1964 whereas in fact his date of birth is 20.03.1966. Learned counsel for the petitioner submits that petitioner's date of birth was entered in the school records as 20.03.1964 due to mistake of his parents and teachers. When petitioner was enrolled at Government Middle School, Badhwana, Charkhi Dadri in April, 1970 in Class 1, petitioner's father had informed his age to be 20.03.1966 but the class in-charge stated that in order to seek admission the child should not be below six

years according to existing policy of Education Department of Haryana, therefore, due to this reason, petitioner's age was recorded as 20.03.1964 instead of 20.03.1966. Petitioner's father, it is stated, again requested the Headmaster of school to enter the correct date of birth, when petitioner was to take examinations for Middle school. However, necessary correction was not carried out at that time and the same date of birth continued to be reflected in all academic records of the petitioner. Similarly, in the service record, same date of birth i.e. 20.03.1964 continued to be reflected. In this view of the matter, it is submitted that necessary correction should be permitted to be carried out in petitioner's date of birth and petitioner should be permitted to continue in service and not retire on 31.03.2022. It is pleaded that petitioner had applied for his birth certificate but no record was found, therefore, petitioner seeks medical ossification test to determine his age. It is, thus, prayed that this writ petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file.

I do not find any ground whatsoever to interfere in the given factual matrix of the case. Present is a case of the petitioner himself admitting that a wrong date of birth was recorded at the time of his admission in Class 1. Thereafter the same date of birth continued to be reflected in the entire academic record of the petitioner. Not only that, petitioner entered service with the same date of birth. There is nothing on record to indicate that an effort was ever made by the petitioner, who is admittedly a teacher, to get his record corrected at the stage of Matriculation or even at a later stage. Petitioner submitted the same date of birth at the time of entry in service. Petitioner has admittedly retired on 31.03.2022. There is no explanation, leave alone a reasonable explanation coming

forth to explain the ominous silence of the petitioner for all these long years and the sudden awakening four days prior to his retirement for filing the present writ petition. It is relevant to note that it is neither pleaded nor argued that the petitioner had ever approached the authorities soon after joining service or thereafter at any point of time. It is clear that he took no steps for all these long years for correction in his date of birth. At this stage, the argument that petitioner's birth certificate is not available, therefore ossification test should be conducted and necessary correction should be carried out in the official records, is clearly devoid of any merit, hence rejected.

It has been held by the Hon'ble Supreme Court in **Karnataka Rural Infrastructure Development Limited versus T.P. Nataraja and others 2021 (4) SCT 162** that change of date of birth in service record cannot be claimed as of right even if there is cogent evidence, which in this case is otherwise missing. Claim can be rejected on the ground of delay and laches also, more particularly when made at fag end of service. In the given factual matrix, no direction can be issued to the respondents for correction in the date of birth of the petitioner as prayed for.

No other argument has been addressed.

This writ petition being of devoid of any merit is, accordingly, dismissed with no order as to cost.

April 02, 2022
rts

(LISA GILL)
JUDGE

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