IN THE HIGH COURT OF JHARKHAND AT RANCHI
LPA No. 706 of 2023

Ram Swarup Ram, aged about 56 years, S/o- Late Etawari Ram, resident of Barbasia, P.O. Barmasia, P.S.- Dhansar, District-Dhanbad.

… … Appellant/Petitioner

Versus

1. M/s. Bharat Coking Coal Limited, through the Chairman-cum-Managing Director having his office at Koyla Bhawan, Koyla Nagar, P.O., P.S. & District-Dhanbad.
2. The Project Officer, Godhur Colliery, Kusunda Area of M/s. Bharat Coking Coal Limited, P.O.-Godhur, P.S.-Dhansar, District-Dhanbad.

… … Respondents/Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr Nipun Bakshi, Advocate
: Mr Shubham Sinha, Advocate
For the Respondents : Mr Indrajit Sinha, Advocate
: Mr Ankit Vishal, Advocate

08/**29.10.2026** Heard Mr Nipun Bakshi, learned counsel who appears with Mr Shubham Sinha for the appellant and Mr Indrajit Sinha who appears with Mr Ankit Vishal for the respondents.

2. This appeal is directed against the order dated 05.10.2023 passed by the learned Single Judge, dismissing W.P(S) No. 5603 of 2018, instituted by the appellant seeking correction of his date of birth as recorded in the service record.

3. The learned Single Judge has dismissed the appellant's writ petition primarily on the ground that the change cannot be applied for at the fag end of the appellant's service tenure, and further that nothing prevented the appellant from producing his matriculation certificate, issued in 1983 by the Bihar School Examination Board, Patna, at the time of the appellant's appointment, i.e. on 22.01.1987.

4. The record, however, shows that the application to change the date of birth in the service record was made in 2016, when the

appellant was due to retire in 2025, even if we go by the date recorded in his service record. Therefore, it would not be correct to say that the application was made at the fag end of the appellant's service tenure.

5. Moreover, the record shows that the matriculation certificate, on which the request for change was based, was already in the respondents' possession. Based on this very certificate, which reflects the appellant's date of birth, the appellant was promoted from the post of Miner Loader to the post of Typist. Subsequently, the appellant was also promoted to the post of Clerk.

6. Thus, at least the genuineness of the matriculation certificate was not in doubt, and the respondents even promoted the appellant based on it.

7. The above aspects do not appear to have been brought to the notice of the learned Single Judge; therefore, the learned Single Judge had no occasion to consider them, thereby rendering the impugned order vulnerable.

8. However, instead of remanding the matter to the learned Single Judge, we think that the interest of justice would be served if directions are issued to the respondents to reconsider the petitioner's application for the change of his date of birth in the service record in light of the matriculation certificate of 1983 issued by the Bihar School Examination Board, Patna.

9. Such consideration shall be on its own merits, without being influenced by any observations of the learned Single Judge in its order dated 05.10.2023, which, in any event, is now set aside.

10. Accordingly, this appeal is allowed in the above terms, with a direction to the 2nd respondent to reconsider the petitioner's

application for a change in the date of birth, *inter alia,* by considering his matriculation certificate of 1983 issued by the Bihar School Examination Board, Patna. Such consideration should be in accordance with law and on its own merit. A decision in this regard must be taken within six weeks from the appellant making a representation along with the authenticated copy of this order.

11. If the appellant's representation is accepted and the date of birth is changed, then the appellant will have to be reinstated in service and given all consequential benefits in accordance with law.

12. Mr Nipun Bakshi, learned counsel for the appellant, states that in ***Jhagru Das vs M/S. Bharat Coking Coal Limited and Others*** passed in ***LPA No. 25 of 2023,*** which was disposed of on 07.12.2023, 50% of the back wages were awarded, and the same relief could be granted to the appellant herein, if the appellant's case of change of date of birth is accepted by the respondents.

13. The appeal is allowed in the above terms without any order for costs.

14. The concerned parties be supplied authenticated copies of this order.

(M. S. Sonak, C.J.)

(Anubha Rawat Choudhary, J.)

29th October, 2026
Rakesh/Binit/Manoj
Uploaded on:- 30.10.2026