IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3978 of 2026
CNR No.ODHC010075602026)

Purna Chandra Parida …. **Petitioner**
Mr. G.S. Nayak, Advocate

-Versus-

State of Odisha and others …. **Opposite Parties**
Mr. B.P. Nayak, AGA
Mr. B.K. Mohanty, Advocate
(O.P. No.5)
Mr. S. C.D. Dash, Advocate
(O.P. No.6)

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026

Order No.

03. 1. Heard Mr. Nayak, learned counsel for the petitioner, Mr. Mohanty, learned counsel for opposite party No.5 and Mr. Dash, learned counsel for opposite party No.6 besides Mr. Nayak, learned AGA for the State.

2. Instant writ petition is filed by the petitioner for a direction to opposite party Nos.2 & 3, in particular, for correction of his date of birth as 23rd March, 1970 in the service book in compliance of the Court's order as at Annexure-3 on the grounds stated.

3. Mr. Nayak, learned counsel submits that the original date of birth of the petitioner is 23rd March, 1970 and there has been overwriting with regard to it in the service book and therefore, necessary direction is required to be issued for its

correction complying Court's order in W.P.(C) No.13580 of 2024.

4. Counter affidavit is filed by opposite party No.6 and the same is taken on record. Recorded the submission Mr. Dash, learned counsel for opposite party No.6.

5. Mr. Nayak, learned AGA submits that nearly after 34 years, such correction with regard to the date of birth in the service book is demanded by the petitioner, which is not permissible, when he is to retire on 31st October, 2026. Furthermore, the submission is that the overwriting vis-à-vis the date of birth of the petitioner in the service book cannot be adjudicated upon by this Court, hence, the writ petition is not maintainable and therefore, the same to be dismissed in limine.

6. Mr. Mohanty, learned counsel for opposite party No.5 is present.

7. Mr. Dash, learned counsel for opposite party No.6 refers to the counter affidavit and submits that there is overwriting of the date of birth of the petitioner in the service book mentioned as 8th October, 1966. A copy of the Admission Register is at Annexure-A/6 to the said affidavit. The claim of the petitioner is about the correction of the date of birth as 23rd March, 1970, as earlier stated.

8. The petitioner joined in the year 1992 and due to retire on 31st October, 2026. The correction of the date of birth in the service book was raised belatedly. The date of birth which is mentioned in the service book, as according to Mr. Nayak,

learned AGA for the State on the basis of matriculation certificate and only for the reason that there is overwriting in the service book, its correction is demanded. Such is the claim of the petitioner as further submitted. There is no any material on record to show that the date of birth of the petitioner to be 23rd March, 1970. The facts pleaded on record claiming the date of birth of the year 1970 do not receive any corroboration. Furthermore, correction of date of birth is raised long after in service and that too when, the petitioner is about to retire by the end of this month. Considering the above facts, absence of any reasonable explanation from the petitioner towards the delay in demanding correction of date of birth, this Court is not inclined to entertain the writ petition in view of decision of the Apex Court in **Union of India Vrs. Harnam Singh (1993) 2 SCC 162** and **General Manager South Eastern Coalfields Ltd. and others Vrs. Avinash Kumar Tiwari** reported in **2023 SCC OnLine SC 2536**.

9. Accordingly, it is ordered.

10. Consequently, the writ petition stands dismissed leaving it open for the petitioner to avail any such remedy permissible under law, if so advised.

(R.K. Pattanaik)
Judge

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