



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

Sr. No.219**CWP-21330-2020 (O&M)****Date of decision: 09.04.2026**

Neelam

..... Petitioner

VERSUS

The Municipal Corporation, Chandigarh and others Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Ranjit Saini, Advocate, for the petitioner.

Mr. Ujval Mittal, Advocate, for the respondents.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioner has challenged the orders dated 10.10.2019 (Annexure P-7) and 26.08.2020 (Annexure P-9), whereby, request made by the petitioner for change of her date of birth from 08.05.1961 to 10.10.1969, has been rejected.

2. The brief facts of the present case are that the petitioner was appointed on regular basis as Safai Karamchari vide order dated 25.01.2017 on compassionate ground after the death of her husband, namely, late Sh. Joginder who expired on 18.02.2008. The petitioner was confirmed on the abovesaid post vide letter dated 05.06.2020 (Annexure P-3). As per the petitioner, it came to her notice that her date of birth was incorrectly mentioned as 08.05.1961 in the service record, whereas, her correct date of birth is 10.10.1969. The petitioner had placed reliance



upon the School Leaving Certificate dated 05.04.1988 (Annexure P-5) issued to her by the school. The petitioner submitted an application dated 07.10.2019 (Annexure P-6) to the respondents, wherein, request was made by the petitioner for change of her date of birth from 08.05.1961 to 10.10.1969 relying on the School Leaving Certificate issued to her by the school. The abovesaid application submitted by the petitioner was rejected by the respondents vide order dated 10.10.2019 (Annexure P-7). It transpires that the petitioner again moved another representation on 15.06.2020 for correction of her date of birth. The abovesaid representation was again considered by the respondents and the claim made by the petitioner was rejected vide order dated 26.08.2020 (Annexure P-9). Aggrieved against the orders dated 10.10.2019 (Annexure P-7) and 26.08.2020 (Annexure P-9), the petitioner has filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioner submits that as per the service record, the date of birth of the petitioner was mentioned as 08.05.1961. He submits that it came to the knowledge of the petitioner that the abovesaid date of birth mentioned in the service record was incorrect as per the School Leaving Certificate issued to her which is 10.10.1969. As such, the claim of the petitioner for correction of her date of birth should be accepted by the respondents and the same be recorded in the service record.



4. On the other hand, learned counsel appearing on behalf of the respondents submits that he does not dispute in regard to School Leaving Certificate issued to the petitioner, wherein, the date of birth is mentioned as 10.10.1969. He submits that request for change of date of birth made by the employee, can only be entertained within a period of 02 years, from the date of appointment/joining. Reliance is made to Rule 2.5 and Note 3 of Punjab Civil Services Rules, Volume-1, Part-1 as applicable to the petitioner. He further submits that no request for change of date of birth can be entertained after the expiry of the period of 02 years. It is the case of the learned counsel that, as the petitioner had requested for change of date of birth after the period of 02 years and 09 months from the date of appointment/joining, as such, request of the petitioner for change of date of birth in the service record has rightly been rejected in terms of the abovesaid rules.

5. I have heard the learned counsel appearing on behalf of the parties at length and have perused the record with their able assistance.

6. The only issue involved in the present case is that whether the date of birth of the petitioner can be corrected and recorded in the service record in light of the above-mentioned rules.

7. It is well settled law that the request for change of date of birth can only be entertained as per the relevant provisions/rules. A perusal of the rule, as applicable in the case of the petitioner, would show



that no request can be entertained for change of date of birth after the expiry of period of 02 years from the date of appointment/joining. Reliance is placed on the judgment passed by the Hon'ble Supreme Court in **Civil Appeal No.7415 of 2010** titled as **State of Haryana Vs. Satish Kumar Mittal and others** decided on 07.09.2010, whereby, it was held that the Courts should not entertain the claim of the parties for change of date of birth at belated stage. The claim can be entertained only within the time provided in the rules. Relevant extract of the judgment is reproduced below:-

“14. As recorded above, it has been held time and again that the application for correction of date of birth is also to be looked into from the point of view of the concerned department and the employees engaged therein. The other employees have expectations of promotion based on seniority and suddenly if such change is permitted; it causes prejudice and disturbance in the working of the department. It is, therefore, quite correct for the State to insist that such application must be made within the time provided in the rules, say, two years, as in the present case.

15. It is also seen that such applications are made very often, almost at the end of the service of the employee or in any case, belatedly. Whatever may be the reason, the fact remains that in the present case, the application was made after some nine years of Joining into service. Even assuming that first respondent came to know in June 2001 that there was an error in his date of birth entered in the matriculation certificate, as claimed by him, he took more than three years to issue the notice under Section 80 of the CPC and then to file the suit. Whether the suit was time barred or not, the claim was in any case belated. It has to be filed within the time provided or within



a reasonable time and it is not to be entertained merely on the basis of plausible material as held in Kirbukaran (supra). As observed by this Court in State of UP v. Shiv Narayan Upadhyaya MANU/SC/0439/2005: 2005 (6) SCC 49:

As such, unless a clear case on the basis of clinching materials which can be held to be conclusive in nature, is made out by the respondent and that too within a reasonable time as provided in the rules governing the service, the court or the Tribunal should not issue a direction or make a declaration on the basis of materials which make such claim only plausible.

16. In the circumstances in our view, the High Court as well as the courts below clearly erred in entertaining the claim of Respondent No. 1 for correction in his date of birth at a belated stage. In such a matter, we are concerned with the correction in the date of birth for the purpose of service record and not for any other purpose. The observation of this Court in para 7 of the Union of India v. Harnam Singh MANU/SC/0216/1993: 1993 (2) SCC 162 in this behalf are quite apt.

7. A Government servant, after entry into service, acquires the right to continue in service till the age of retirement, as fixed by the State in exercise of its powers regulating conditions of service, unless the services are dispensed with on other grounds contained in the relevant service rules after following the procedure prescribed therein. The date of birth entered in the service records of a civil servant is, thus of utmost importance for the reason that the right to continue in service stands decided by its entry in the service record. A Government servant who has declared his age at the initial stage of the employment is, of course, not precluded from making a request later on for correcting his age. It is open to a civil servant to claim correction of his date of birth, if he is in possession of irrefutable proof relating to his date of birth as different from



the one earlier recorded and even if there is no period of limitation prescribed for seeking correction of date of birth, the Government servant must do so without any unreasonable delay. In the absence of any provision in the rules for correction of date of birth, the general principle of refusing relief on grounds of laches or stale claims, is generally applied by the courts and tribunals. It is nonetheless competent for the Government to fix a time- limit, in the service rules, after which no application for correction of date of birth of a Government servant can be entertained. A Government servant who makes an application for correction of date of birth beyond the time, so fixed, therefore, cannot claim, as a matter of right, the correction of his date of birth even if he has good evidence to establish that the recorded date of birth is clearly erroneous. The law of limitation may operate harshly but it has to be applied with all its rigour and the courts or tribunals cannot come to the aid of those who sleep over their rights and allow the period of limitation to expire. Unless altered, his date of birth as recorded would determine his date of superannuation even if it amounts to abridging his right to continue in service on the basis of his actual age.....

17. This being so, the courts should not have entertained the claim of the first respondent belatedly and beyond the period provided in the rules. The rules, in the instant case, all throughout required such application to be made within two years. Therefore, the courts clearly erred in finding fault with the appellant for allegedly, applying the Notification of 13.8.2001 retrospectively which was not the case over here.”

8. It is admitted fact that the petitioner made a request for change of date of birth after 02 years and 09 months from the date of

appointment/joining i.e. beyond the period provided in the rules. Request for change of date of birth is not a matter of right.

9. Taking into consideration the facts of the present case, the relevant rules and above referred judgment, this Court finds no infirmity or illegality in the impugned orders. Accordingly, the present writ petition is hereby dismissed.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

09.04.2026
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No