



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

223

CWP-22644-2021 (O&M)
Date of decision: 21.05.2026

Bimla Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gunjan Mehta, Advocate
with Ms. Parbeen Dharwal, Advocate
for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

Mr. Sehaj Sandhwalia, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

CM-16872-CWP-2021

Prayer in the instant application filed under Section 151 of CPC is for placing on record the vernacular of Annexure P-2 dated 26.02.1997.

Allowed as prayed for subject to all just exceptions. The Registry is directed to tag the same at appropriate place.

CWP-22644-2021 (O&M)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the order dated 29.06.2021 (Annexure P-7) passed by respondent No.2 whereby the representation dated 15.04.2021



(Annexure P-3) filed by the petitioner, seeking correction of her date of birth and not retiring her on 30.06.2021 has been rejected. Further a writ of *mandamus* has been sought, directing the respondents to hold 'Special Enquiry' in terms of Notification dated 20.12.2000 (Annexure P-12) to ascertain her correct age and further direct respondent No.2 to allow the petitioner to join back on the post of Safai Karamchari with respondent No.2 with all consequential benefits and to pay all the financial benefits to the petitioner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the respondent No.2/Municipal Council as Safai Karamchari on 02.01.1997 on temporary basis and thereafter, his services were regularized on 07.08.1998 as is evident from Annexure P-1. The petitioner being an illiterate lady from a remote village was not well versed with the Government Instructions. Prior to her entry into government service, she underwent medical fitness examination on 26.02.1997 at Civil Hospital, Jind. In the Medical Certificate (Annexure P-2), her date of birth is recorded as 25.07.1970 at the relevant column, though her age was erroneously mentioned as 36 years instead of 26 years as informed by her. This fact was never came in the knowledge of the petitioner and the petitioner has never submitted any document to claim otherwise or her date of birth is of the year 1961. The petitioner, being an illiterate lady, remained under the *bona fide* impression that her date of birth has been recorded as 25.07.1970 by the concerned



authorities as has been mentioned in the Medical Certificate (Annexure P-2).

3. Learned counsel for the petitioner further refers to the vernacular of Annexure P-2 and submits that the column in which the date of birth was required to be mentioned clearly reflects her date of birth as 25.07.1970 whereas her age is wrongly recorded as 36 years and as such, once the correct date of birth has been mentioned, there was no occasion for respondent No.2 to consider the case of the petitioner as 36 years of age and to the utter shock of the petitioner in the first week of April, 2021, she was informed that she is due to retire on 30.06.2021, on attaining the age of superannuation on the basis of her date of birth recorded in the service book. The petitioner immediately raised objection by submitting a letter on 15.04.2021 (Annexure P-3) and on the basis of the same, the respondent No.2 sought the opinion of concerned Civil Surgeon to verify the date of birth of the petitioner, however, the Civil Surgeon responded that there is no record regarding the date of birth of the petitioner when she was medically examined. Thereafter, the petitioner approached this Court by filing CWP-10565-2021 praying for issuance of direction to respondents not retire her on 30.06.2021, which was disposed of by this Court with a direction to respondent No.2 to decide the representation dated 15.04.2021 by 30.06.2021 as discernible from Annexure P-5. In purported compliance, the impugned speaking order (Annexure P-7) was passed by mechanically dismissing the claim of the petitioner.



4. Learned counsel for the petitioner further refers to the Birth Certificate dated 31.05.2021 (Annexure P-10) issued by the competent authority as well as the Certificate dated NIL (Annexure P-11), in which the date of birth of the petitioner was recorded as 03.03.1970. Further, the Certificate (Annexure P-11) clearly indicates that prior to the marriage of the petitioner, her name was Raj Bala and as such, the impugned action of respondent No.2 in retiring the petitioner on 30.06.2021, is unsustainable in the eyes of law.

5. *Per contra*, learned counsel for respondent No.2 submits that the petitioner is playing hot and cold in the same breath. On one hand, she is claiming her date of birth as 25.07.1970 whereas in Aadhar Card of the petitioner (Annexure P-8), her date of birth is recorded as 01.01.1971 and in the Identity Card issued by the Election Commission of India, her age is recorded as 28 years as on 01.01.1994. Moreover, the Birth Certificate dated 31.05.2021 (Annexure P-10) was not issued in the name of the petitioner rather it is issued in the name of Raj Bala which shows the date of birth as 03.03.1970 and the aforesaid certificate was obtained on 31.05.2021 and he refers to Annexure R-1 i.e. PAN Card of the petitioner which reflects the date of birth of the petitioner as 01.07.1961. He further submits that the service book records her date of birth as 01.07.1961 on the basis of age disclosed by her at the time of medical examination and the petitioner never sought correction thereof for about 24 years.



6. Learned counsel for respondent No.2 further relies upon Rule 7.3 of Chapter VII of the Punjab Financial Rules, Volume-I, as applicable to the State of Haryana, and contends that any request for correction of date of birth is required to be made within two years from the date of entry into service and no request beyond the prescribed period can be entertained.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. A perusal of the record reveals that the petitioner joined the service on 02.01.1997 and her Medical Certificate dated 26.02.1997 (Annexure P-2) records her age as 36 years while also mentioning her date of birth as 25.07.1970. The petitioner seeks correction of the date of birth recorded in the service book from 01.07.1961 to either 25.07.1970 or 03.03.1970. However, different dates of birth emerge from various documents annexed by the petitioner herself in the writ petition. The Aadhaar Card (Annexure P-8) mentions her date of birth as 01.01.1971, the Birth Certificate (Annexure P-10) reflects 03.03.1970, whereas the Medical Certificate (Annexure P-2) mentions 25.07.1970. The Voter Identity Card (Annexure P-9) also indicates that she was 28 years of age as on 01.01.1994. Rule 7.3 of the Punjab Financial Rules, Volume-I, as applicable to the State of Haryana, reads as under:-

7.3. "Every person newly appointed to a service or a post under Government should at the time of appointment declare the date of his birth by the Christian era with confirmatory evidence as far as possible confirmatory



documentary evidence such as Matriculation Certificate, Municipal Birth Certificate and so on. If the exact date is not known as approximate date may be given. The actual date or the assumed date determined under note I below should be recorded in the History of service. Service Book or any other record that may be kept in respect of the Government employee's service under Government and once recorded, it cannot be altered except in the case of a clerical error, without the previous orders of the Government." See also Annexure-A to this Chapter.

Annexure-A

"In regard to the date of birth a declaration of age made at the time of, or for the purpose of entry into Government Service, shall as against the Government employee in question, be deemed to be conclusive unless he applied for correction of his age as recorded within two years from the date of his entry into Government Service. No Application submitted beyond the stipulated period of two years for change of date of birth will be entertained, whoever the application for correction of his age is submitted by the employee within a period of two years from the date of his entry into Government service, the same would be considered by the Government in consultation with the Chief Secretary to Government of Haryana Government however, reserves the right to make a correction in recorded age of Government Employee at any time against the interest of that Government employee when it is satisfied that the age recorded in his service book or in the history of services of a Government employee is correct and has been incorrectly recorded with the object that the Government employee may derive some unfair advantage therefrom."



9. A bare perusal of the aforementioned Rules clearly indicates that any request for correction in the date of birth can be made within a period of two years from the date of joining into government service and any application beyond a period of two years will not be entertained. In the present case, the petitioner entered into service in the year 1997 and raised objection regarding her date of birth only in April, 2021, i.e. after about 24 years of service. Moreover, the petitioner herself relies upon multiple documents carrying inconsistent dates of birth. Such disputed questions of fact cannot be appropriately adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India.

10. Consequently, finding no merit in the present petition, the same is hereby dismissed.

11. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.05.2026
yakub

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