SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS/342/2022 Jai Prakaash --Petitioner **Versus** Uttarakhand Forest Development Corproation --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. T.A. Khan, learned senior counsel assisted by Mr. Mohd. Shafy, learned counsel for the petitioner. 2. Mr. Manish Kumar Singh, learned counsel for the respondent through V.C. 3. By the instant petition the petitioner is praying for a writ of mandamus commanding the respondents to correct his date of birth in his service record as 04.02.1966 in place of 04.02.1962 with all consequential benefits. 4. The case of the petitioner is that he was initially inducted into service as a daily wager employee in the U.P. Forest Corporation (now Uttarakhand Forest Corporation) on 01.02.1983 and at the time of his initial entry into service his date of birth was duly recorded as 04.02.1966 in the official record. Subsequently, the service of the petitioner was regularized in the year of 2003 with retrospective effect from 23.12.2002. 5. The grievance of the petitioner is that the respondents altered his date of birth to 04.02.1962 in place of 04.02.1966 on the basis of marksheet issued by the *Hindi Sahitya Sammelan, Prayag*. The petitioner challenges the alteration of his date of birth on the ground that at the fag end of his career no alteration in date of birth recorded at the time of induction in service is permissible. In support of his submission Mr. Khan placed reliance to Annexure-1 and Annexure-2, the list of daily wager employees as well as the transfer certificate i.e. Annexure-6 and School Leaving

			Certificate Annexure-5. By placing reliance to all these documents, which are part of the writ petition, he submits that actual date of birth of the petitioner is 04.02.1966. 6. Learned senior counsel submits that the alteration of date of birth as recorded at the time of induction on the basis of marksheet of *Hindi Sahitya Sammelan* that at the fag end of service is arbitrary, illegal and violative of the statutory provision governing age determination under the rules of U.P. Recruitment to Service (determination of date of birth) Rules, 1974. 7. On the other side, Mr. Manish Kumar Singh, who appears for the respondents, submits that the alteration of date of birth at the time of regularization was done on the basis of the document supplied by the petitioner. He submits that as per the marksheet issued from *Hindi Sahitya Sammelan, Prayag* the date of birth of the petitioner is recorded as 04.02.1966 and this date of birth was considered for the purposes of regularization, therefore, there is no illegality in alteration of date of birth of the petitioner. 8. Having considered the rival submissions of learned counsel for the parties, this court finds that the law regarding the alteration of date of birth in service record is well settled. Even the U.P. Recruitment to Service (determination of date of birth) Rules, 1974, categorically provides that the date of birth of Government servant recorded in service book at the time of entry into service shall be deemed to be correct and no representation for its alteration shall be entertained under any circumstances. 9. Apart from this, it is settled principle of law that the alteration of date of birth at the fag end of service either at the instance of the employee or the employer is not permissible. 10. In the present case there is no dispute that at the time of entry in service the petitioner's date of birth as recorded in the document of the department was 04.02.1966, therefore, the action of the respondents altering the date of birth of the petitioner that too on the basis of the marksheet issued from *Hindi Sahitya Sammelan* cannot

			override the date of birth recorded at the time of entry into service particularly when the petitioner's date of birth is supported with the school leaving certificate and other documents as relied upon. The alteration of date of birth at the fag end of service is unwarranted since it causing grave prejudice to the petitioner. 11. Accordingly, the writ petition is allowed. The impugned action altering the petitioner's date of birth in the service record is hereby setaside. 12. The respondents are directed to treat the petitioner's date of birth as originally recorded at the time of his initial entry into service i.e. 04.02.1966 for all service benefits including superannuation and post retiral benefits. 13. No order as to costs. **(Rakesh Thapliyal, J.)** 31.10.2026 PR