SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS/1173/2022 Phoolmati --Petitioner **Versus** G.B. Pant University --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Sanjay Bhatt, learned counsel for the petitioner. 2. Mr. Shubhang Dobhal, learned counsel for the respondent. 3. The petitioner Smt. Phoolmati (now deceased) was initially inducted on daily wages on 16.06.1995 and at the time of her initial induction her date of birth was recorded as 27.07.1962, and, thereafter she was regularized in the year 2014 and in the year 2022 respondent-department raised an issue with regard to her date of birth that documents furnished by the petitioner at the time of her regularization her date of birth is reflected 27.06.1962, consequently, an order was passed for rectification of her date of birth in service record which has been assailed by the petitioner in this petition on the ground that whatever the date of birth recorded at the time of initial induction the same cannot be altered. 4. When this petition was filed an interim order was passed by the Coordinate Bench on 29.06.2022 which is being reproduced herein as under:- *"Petitioner is a Group 'D' employee in G.B. Pant University of Agriculture and Technology, Pant Nagar. According to petitioner, her date of birth is 10.12.1973, which has been duly recorded in her service book, however, respondent authorities have unilaterally changed her date of birth, as 27.07.1962.*

			Learned counsel for the petitioner points out that a letter was sent by Establishment Officer, G.B. Pant University of Agriculture and Technology, Pant Nagar to District Magistrate, Kushinagar, Uttar Pradesh on 13.08.2021, for getting petitioner's date of birth verified from the concerned authorities and, without waiting for the report of the concerned authorities, the impugned order has been passed, changing her date of birth from 10.12.1973 to 27.07.1962. *It is settled position in law that date of birth cannot be changed in respect of government employee at the fag end of his career. In the present case, the respondent authorities have changed the date of birth of the petitioner at the fag end of her career, that too, without waiting for the report of District Magistrate, Kushinagar.* *As prayed, four weeks' time is granted to learned counsel for the respondents to file counter affidavit.* *List thereafter.* *Considering the submission advanced by learned counsel for the parties, it is directed that, till the next date of listing, effect & operation of the impugned order dated 19.05.2022, shall remain stayed."* 5. Learned counsel for the petitioner submits that petitioner no. 1 during the pendency of the writ petition died on 03.06.2026 and thereafter her legal heir Sanjay Kumar/son is impleaded as petitioner no. 1/1. It is submitted by the learned counsel for the petitioner that since now the original petitioner no. 1 already died, so at this juncture legal heir is entitled to get terminal benefit including other consequential benefits which have been withheld because of the pendency of this petition. 6. In the counter affidavit respondent/ University submits that the date of birth was rectified on the basis of the documents as furnished by the petitioner no. 1 at the time of her regularization, therefore, there is no illegality in rectifying the date of birth. 7. After hearing the submissions as above, and taking into consideration that it is settled law that the date of birth which was entered in the service records at the time of initial induction cannot be altered at

			the fag end of service and this aspect has been considered while granting interim order but unfortunately the original petitioner died and now legal heir is before this Court. 8. The Coordinate Bench while granting interim order observed that it is settled position of law that date of birth cannot be changed in respect of government employee at the fag end of his career and since in the present case the respondent authorities have changed the date of birth of the original petitioner at the fag end of her career. 9. Mr. Sanjay Bhatt, learned counsel submits that the District Magistrate submits its report which is placed on record through supplementary affidavit and the date of birth of the original petitioner was verified by observing that initial date of birth, i.e,. 10.12.1973 is the correct date of birth. 10. Learned counsel submits that the report of the District Magistrate is completely overlooked by the University and rectified the date of birth by ignoring the initial date of birth which was recorded in service record. In such view of the matter, when the District Magistrate verified the date of birth there was no occasion to alter the same in service record that too at the fag end of service. 11. Hence, the writ petition is allowed and the order impugned is quashed and the respondents are directed to treat 10.12.1973 the actual date of birth of the deceased employee in service record and release all terminal benefits including service benefits attached with the post held by the original petitioner within a period of one month from the date of production of certified copy of the order. **(Rakesh Thapliyal, J.)** 28-10-2026 Parul