

(2014) 09 OHC CK 0071
In the Orissa High Court
Case No : Writ Appeal No. 285 of 2014

Baishnab Charan Rout

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 04-09-2014

Acts Referred:

Citation : (2014) 09 OHC CK 0071

Hon'ble Judges : Amitava Roy, C.J;Dr. Akshaya Kumar Rath, J

Bench : Division Bench

Judgement

1. Having unsuccessfully pleaded in W.P. (C) No. 12227 of 2014 for judicial intervention to have his (appellant) date of birth altered from 02.10.1954 to 05.10.1958, in his service record, the appellant/writ petitioner is in appeal against the order dated 24.07.2014 passed in the above proceeding.

2. We have heard Mr. P.C. Sethi, learned counsel for the appellant/writ petitioner.

3. The facts necessary to be noticed are that the appellant/writ petitioner is an employee of the Paradip Port Trust (for short, hereinafter referred to as "the Trust") since 15.12.1978 and presently working as Ferro Printer in the establishment of the Executive Engineer, Design Cell of the Trust. At the time of entering into the service, his date of birth, on the basis of School Leaving Certificate (SLC) produced by him was entered as 2.10.1954. He, having come to learn that his date of birth though 5.10.1958 had been wrongly entered as 2.10.1954, applied for a duplicate SLC from the respondent No. 5 herein, which, on being obtained, disclosed his date of birth to be 05.10.1958. After obtaining the said duplicate certificate, he on 24.07.2013 submitted a representation with the Trust for correction of his date of birth from 02.10.1954 to 05.10.1958 on the basis of the duplicate SLC. His prayer having been rejected on 28.10.2013, he approached this Court for redressal of his grievance. By the impugned order dated 24.07.2014, the writ petition was disposed of by the learned Single Judge relegating the appellant/writ petitioner to the appropriate forum as the issue involved disputed questions of facts.

4. Mr. Sethi has emphatically argued that it being apparent on the face of the record that the appellant/writ petitioner's age had been wrongly entered in his service book to be 02.10.1954, the learned Single Judge ought not to have summarily rejected the writ petition. He has urged that in the face of the duplicate School Leaving Certificate, the appellant/writ petitioner's date of birth ought to have been directed to be conceded as 5.10.1958. In support of his plea, Mr. Sethi has placed reliance on the decision of the Hon"ble apex Court in the case of R.K. Jangra Vs. State of Punjab and Others, .

5. Upon hearing the learned counsel for the appellant and on a consideration of the materials on record, more particularly the photo copy extract from the service book of the appellant/writ petitioner produced by him, we are of the unhesitant opinion that no interference in the instant appeal is called for. It is apparent from the service record of the appellant/writ petitioner that on the date of entry in service i.e. on 15.12.1978, his date of birth was recorded to be "2.10.1954 Second October Nineteen Hundred Fifty Four, as verified from S.L.C." produced by him at that point of time. This page of the service book, containing inter alia the said entry as well as other particulars of the appellant/writ petitioner, also contained his signature in affirmation of the correctness of the entries therein. There is thus no element of doubt that the appellant/writ petitioner's date of birth was recorded/entered in his service book, in his presence, to be 02.10.1954 on the basis of the SLC produced by him.

6. It is the pleaded case of the appellant/writ petitioner that in the year 2013, he obtained a duplicate copy of SLC and on the basis thereof, he applied for alteration of the date of birth from 02.10.1954 to 05.10.1958. Apparently thus for 35 years, prior to his said request, there was no initiative on his part to alter his date of birth. His pleaded averments also do not convincingly explain about the time lap and lack of steps on his part to ensure such correction.

7. It is a well settled preposition of law that any request for alteration of date of birth by any incumbent in service, if highly belated and made at the fag end of one's career, ought not be entertained.

8. We find no persuasive reason to take a view different from the one adopted by the Trust in relation to the request of the appellant/writ petitioner to correct his date of birth. In course of arguments, learned counsel for the appellant/writ petitioner did not dispute his signature in the page of the service book in which his date of birth was entered as 2.10.1954, as verified with reference to the SLC produced by him. To reiterate, there is no cogent explanation for this, otherwise, inexplicable delay on his part to get his date of birth altered. Further, the decision of the Hon"ble apex Court in R.K. Jangra (supra) is distinguishable on facts as the appellant therein had applied for correction of his date of birth within two years of joining the service. The said decision is therefore of no assistance to the appellant/writ petitioner.

9. On a cumulative consideration of all aspects, we are thus of the unhesitant

view that no interference with the impugned order is warranted.
The appeal lacks merit and is dismissed.