
(2014) 04 MAN CK 0022
In the Manipur High Court
Case No : W.P.(C) No. 393 of 2010

Ngairangbam Sarat Singh

APPELLANT

Vs

The State of Manipur

RESPONDENT

Date of Decision : 22-04-2014

Acts Referred:

Citation : (2014) 04 MAN CK 0022

Hon'ble Judges : Laxmi Kanta Mohapatra, C.J

Bench : Single Bench

Advocate : Kh. Tarunkumar, Advocate for the Appellant; R.S. Reisang, GA, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Laxmi Kant Mohapatra, C.J.—Prayer in the writ application is for quashing the order dt. 5.1.2010 in Annexure-A/8 directing retirement of the petitioner on attaining the age of superannuation w.e.f. 29.2.2010 and also for a further direction to the respondents to allow the petitioner to continue in service by correcting his date of birth as 1.3.1956.

2. The petitioner was initially appointed as Rifleman in Jan/1976. Subsequently he was promoted to different posts and while working as Subedar w.e.f. 23.12.09 he was made to retire from service on attaining the age of superannuation at 59 years. The case of the petitioner is that as per the High School Leaving Certificate he was 14 years on 1.3.1970 and accordingly his date of birth is 1.3.1956. Unfortunately, in the sheet roll annexed to the counter affidavit of the respondents annexed as Annexure-C/2, the respondents entertained some doubts with regard to corrections in age and date of birth and considered the date of birth to be 1.3.1950 and made him to retire on completion of 59 years of age.

3. Mr. Tarunkumar, learned counsel appearing for the petitioner referred to Annexure-A/1, HSL certificate issued in 1970 to substantiate his argument that

the petitioner was 14 years of age as on 1.3.1970 and therefore his date of birth should be taken as 1.3.1956. To further substantiate his contention, the learned counsel for the petitioner also placed reliance on two Identity Cards in Annexure-A/2. In both the Identity Cards issued in favour of the petitioner the date of birth is mentioned as 1.3.1956. Relying on these three documents, it was contended by the learned counsel for the petitioner that petitioner's date of retirement as per the above document would be 28.2.2016 whereas the petitioner has been made to retire w.e.f. 29.2.2010.

4. Mr. R.S. Reisang, learned Sr. Govt. Advocate placed reliance on the verification roll in Annexure-C/3 to the counter affidavit which is a declaration given by the petitioner. With reference to the said document, it was contended by the learned Sr. G.A. that the petitioner himself declared to be 28 years of age as on 1.3.1979. Even if such declaration is taken into account, his date of birth shall be 1.3.1951 and can never be 1.3.1956 as claimed by him. Referring to Annexure-C/2, the sheet roll, it was also contended by the learned Sr. G.A. that interpolation was made not only in the age but also in the date of birth and 1953 was made as 1956 whereas 26 has been made as 20. In support of the above contention, the learned Sr. GA also produced the original of Annexure-C/2.

5. Annexure-A/1, no doubt, shows that in 1970 the petitioner appeared in HSLC examination and his age was declared to be 14 years as on 1.3.1970. Therefore, his date of birth should be 1.3.1956. However, in Annexure-C/3 the petitioner made a declaration in the verification roll that he was 28 years of age as on 1.3.1979. As per this document, date of birth of the petitioner would be 1.3.1951. In the sheet roll, it appears that initial date of birth had been mentioned as 20.11.1950. Interpolation has been made in a different ink and 26 has been made as 20 whereas 1950 has been made as 1956. The date of birth mentioned in words also is in the same ink in which interpolation has been made.

6. Prima facie, it appears that such interpolation has been made in order to correct the date of birth from 20.11.1950 to 20.11.1956. However, it is not understood as to how in the two Identity Cards the date of birth has been made as 1.3.1956 whereas the said date is neither available in the sheet roll nor is it available in the declaration given by the petitioner in Annexure-C/3, i.e. verification roll. It, further, appears that because of the above anomaly a letter had been written by the Commandant of the said Battalion to the Inspector General of Police, Manipur to review the case of the petitioner and issue necessary instruction.

7. Be that as it may, since the petitioner himself has made declaration in the sheet roll that he was 28 years of age as on 1.3.1979, his date of birth has to be taken as 1.3.1951. No reliance can be placed on the sheet roll in Annexure-C/2 as interpolation has been made not only in the age but also in the date of birth. The date of birth 1.3.1956 appearing in the two Identity Cards and in the Provident Fund Account, appear to have been made subsequent to such interpolation.

8. The representation of the petitioner for correction of his date of birth on the basis of the High school leaving examination certificate was made at the fag end of his service career and as decided by the Supreme Court in a catena of decisions no request for change of date of birth at the fag end of career can be entertained.

9. I, therefore, on the basis of the declaration given by the petitioner in Annexure-C/3, i.e. verification roll, come to the finding that the date of birth was 1.3.1951 and accordingly he had been rightly directed to retire on superannuation on attaining the age of 59 years of age w.e.f. 29.2.2010.

10. For the reasons stated above, I do not find any merit in this writ petition and accordingly dismiss this writ petition.