
(2006) 01 GAU CK 0094
In the Gauhati High Court
Case No : Writ Petition (C) No. 8184 of 2005

Prabodh Chandra Hazarika

APPELLANT

Vs

Oriental Insurance Co. Ltd. and Others

RESPONDENT

Date of Decision : 31-01-2006

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 226
Evidence Act, 1872 — Section 114, 14

Citation : (2006) 4 GLT 38

Hon'ble Judges : A. Hazarika, J

Bench : Single Bench

Advocate : K.K. Mahanta, R. Duarah and K. Konwar, for the Appellant; S. Dutta, M. Choudhury, R. Kaur and D. Baruah, for the Respondent

Final Decision : Allowed

Judgement

A. Hazarika, J.—The letter/notice of premature retirement dated 21.11.2005, curtailing service period of Petitioner for about 3 years, with effect from 31.1.2006 is under challenge before this Court. Being Aggrieved by the aforesaid letter/notice of retirement, the instant petition has been filed by the Petitioner, seeking a writ, in the nature of mandamus, directing the Respondents to recall/rescind/cancel/forbear from giving effect to the impugned letter/notice dated 21.11.2005 and also to issue a writ in the nature of certiorari for quashing the aforesaid letter/notice dated 21.11.2005, and to allow him to continue till he actually superannuate on the basis of corrected date of birth in the Matriculation Certificate, issued by the Gauhati University in the year 1972, which was duly received by the employer Respondents, as it would reveal from the Salary Sheets, Income Tax Project Statements, Provident Fund Statements including the Seniority lists, published from time to time and the communication dated 10.11.2003 (Annexure-7 to the writ petition), sufficiently demonstrating the admission on the part of the employer that, the corrected Matriculation Certificate issued by the Gauhati University, was furnished for correction of date of birth in the service record which, however, alleged to have not been accepted

by the competent authority asking him to give details for further action and the details as desired having been furnished; without determining the factum of correction of date of birth, the impugned notice has been issued, as aforesaid, which is the subject matter in this writ petition.

It is therefore, evident that the writ Petitioner herein, is not demanding the correction of his date of birth, but he is challenging the impugned notice of superannuation dated 21.11.2005, issued on the basis of the date of birth contained in the Matriculation Certificate submitted at the time of initial appointment, which was subsequently corrected and accepted by the employer.

2. Heard Mr. K.K. Mahanta, learned Senior Advocate for the Petitioner, assisted by Mr. R. Duarah, Advocate. Also heard Mr. S. Dutta, learned Counsel for the Respondents.

3. In order to appreciate the facts pleaded and established in this writ petition a brief fact is required to be narrated:

Admittedly, the writ Petitioner joined initially the Sterling General Insurance Company Ltd., on 7.2.1970. At the time of entry into the said Company his service book was prepared and the date of birth was recorded as 17 years 1 month as on 1.3.1963. The Gauhati University issued a Public Notice regarding correction of age entry in the Matriculation Certificate which was published in the Assam Gazette, dated 27th August, 1969. In pursuance to the said Public Notice, the Petitioner had approached the University authority for correction of his date of birth and accordingly, his date of birth was corrected as 14 years 20 days as on 1.3.1963 and certificate had been issued correcting the date of birth which has been annexed in the writ petition.

4. The Matriculation Certificate so corrected by the Gauhati University had been furnished to the then employer Sterling General Insurance Company Ltd. and the Executive Officer, Shri S. Bhattacharjee of the aforesaid company had immediately corrected his Service Book and forwarded to their respective office at Regional Office, Calcutta and Head Office, New Delhi. The correction of date of birth has been entered as 1.2.1949 in the Salary Sheet, Income Tax Projection Statements, Provident Fund Statement as well as for preparation of Seniority Booklets published from time to time which has been annexed with the writ petition and therefore, no occasion arose to insist for correction of date of birth in the Service Book. It is not the case of the Respondent that, the Petitioner had the occasion to see his Service Book on numerous occasions and/or he had signed the Service Book and he had not objected to the recorded entry.

5. In the aforesaid background, the learned Counsel appearing for the Petitioner argued that, the service of the Petitioner cannot be curtailed for about 3 years, more so, when he had submitted his corrected date of birth in the year 1972, issued by the Gauhati University in the Matriculation Certificate and accordingly, his date of birth had been corrected in the aforesaid statements and in the seniority lists published from time to time. The guidelines adopted by the initial

employer, which has been merged with the present Respondents in the year 1994, would show that, the verification and admission of age of the employees rests on the Matriculation Certificate. Mr. Mahanta, learned Counsel for the Petitioner, has drawn the attention of the court in regard to guidelines, more particularly Clause 8(4) which reads as follows:

8(4): Where an employee has in his possession or power two or more documents showing different dates of birth or has reason to believe that there exists or can be obtained two or more documents showing different dates of birth, he should inform the competent authority and produce all such documents and state which he believes or shows his true date of birth and the reasons for such belief.

In the aforesaid context, Mr. Mahanta has argued that, the Petitioner had produced before the authority; his erstwhile employer, the matriculation certificate with corrected date of birth, in the year 1972 itself, issued by the Gauhati University, which was produced as authenticated date of birth and requested his employer, for correction in the service record, which fact has been admitted by the Respondents in the communication date 10.11.2003 (Annexure-7) and as such, the acceptance of the aforesaid corrected date of birth recorded as 1.2.1949, had been accepted by the employer and there is no reason to belief that, the said corrected date of birth has not been accepted by the Respondent authorities. In support of his contentions, Mr. Mahanta, has placed reliance of a case reported in Union of India Vs. Harnam Singh, : Union of India Vs. Harnam Singh, and prayed for setting aside the impugned notice of retirement dated 2.11.2005 in order to subserve the cause of just justice.

6. An affidavit-in-opposition has been filed by the Respondents authority denying the averments made in the writ petition and Mr. Dutta, the learned Counsel appearing on behalf of the Respondents has also produced the relevant records, wherein it would show that, the Service Sheet, in the column where date of birth is recorded, has not been corrected by the employer and his date of birth has been recorded into the entry of service as 1.2.1946. The learned Counsel appearing for the Respondents has argued that, the competent authority has not accepted the date of birth, subsequently corrected as 10.2.1949 by the Gauhati University and hence, the communication dated, 10.11.2003 was issued for details of acceptance for their further action in the matter and the subsequent various communication made by the Petitioner has not been accepted by the Respondents on the ground of delay.

7. Mr. Dutta, the learned Counsel for the Respondents has further argued that, the correction of date of birth on the alleged ground of illiteracy of the parents of the Petitioner at the time of admission in the school and subsequent correction of date of birth because of illiteracy of his parents, the date of birth was wrongly put in the records as 1.2.46 instead of 10.2.49 is fallacious and cannot be accepted. Therefore, contended Mr. Dutta, that the entry regarding the age of a person in a school register has got much evidentiary value to prove the age and in absence of the material on which the age of the person got corrected as

10.2.1949 by the Gauhati University the same cannot be accepted.

8. Another limb of argument of the learned Counsel for the Respondents is that, the alleged correction of date of birth in the Seniority List would show that, due care has not been taken to reproduce the particulars of officers printed in this Seniority List correctly from the official records. However, in case of any inadvertent error, that might have crept in, the particulars as appearing in the official records shall be final and binding. The counsel has laid emphasis and tried to impress that, since the date of birth has not been corrected in the service record, the Seniority List showing the date of birth as 10.2.1949 does not automatically stand corrected the date of birth, similar is the position of other documents wherein the date of birth has been shown as 10.2.1949.

9. Another forceful argument has been advanced by the counsel for the Respondents that the Petitioner having declared his date of birth as entered in the Service Record to be correct, would not be permitted at the fag end of his service career to raise a dispute as regards to the correctness of the entries in the Service Record and hence the writ petition is liable to be dismissed on the ground of delay. In support of his contentions, he has placed reliance on the cases mentioned below:

Union of India Vs. C. Rama Swamy and others, .

State of Assam and Another Vs. Daksha Prasad Deka and Others,

Secretary and Commissioner, Home Department and others Vs. R. Kirubakaran,

Union of India Vs. Harnam Singh,

G.M., Bharat Coking Coal Ltd., West Bengal Vs. Shib Kumar Dushad and Others,

Government of Andhra Pradesh and Another Vs. M. Hayagreev Sarma,

State of Punjab and Others Vs. S.C. Chadha,

State of U.P. and Others Vs. Smt. Gulaichi,

2004 3 GLT 373 Jafaruddin Ahmed v. State of Assam and Ors.

10. From the facts pleaded and established in the writ petition, would go to show that admittedly, the writ Petitioner was appointed to the post of Assistant cum typist in the Sterling General Insurance Company Ltd. on 7.2.1970 and date of birth in the service record had been entered as 1.2.1946, disclosing his age to be 23 years 1 month as on 1.3.1969. The Gauhati University had issued a Public Notice dated 14.8.1969, notifying all concerned that, applications for correction of age entry in the Matric Certificate will be entertained by the University for a period of two years with effect from the date of publication of the said notice in the Assam Gazette, after which no such applications will be entertained. In the said notice, it was mentioned that the following documents and fees are to be submitted along with the applications for correction of age.

1. Original Horoscope.
2. Extract from Municipal Birth Register or Gaonbura's Hat-Chitha certified by the Sub-Deputy Collector of the Circle concerned.
3. Statement Form from the Headmaster concerned.
4. Affidavit sworn in before a First Class Magistrate.
5. Fee of Rs. 20/- (Rupees Twenty).

It was also clearly stated therein that the said Public Notice supersedes the previous notification dated 29th June, 1964, on the subject.

11. In pursuance to the said Public Notice, as averred by the Petitioner he had submitted the application alongwith the documents as asked for. The University after going through the materials on record, submitted by the Petitioner, corrected his date of birth on 17.3.1972, showing his age as 14 years 20 days in place of 17 years 1 month as on 1.3.1963 and accordingly, corrected the Matriculation Certificate, following the procedure. The corrected Matriculation Certificate of age issued by the University of Gauhati, had been duly submitted by the Petitioner to the concerned authority. The Sterling General Insurance Company Ltd. has been merged with the present Respondent company in the year 1994 and the Seniority List of Officers of the company has been published on 3.6.1996 as on 31.12.1995. In the preface of the Seniority List, the following line has been added:

Another change introduced in this seniority list is the insertion of date of birth of officer.

Accordingly, the name of the Petitioner appears at SI. No. 830 and his date of birth has been shown as 10.2.1949. Thereafter, another Seniority List has been published on 30.12.2001 wherein his date of birth has been shown as on 10.2.49. Similarly, the Seniority List has been published as on 1.4.2004 wherein his date of birth has been shown as 2.7.1949. In the Seniority List, published in the year 2004, it is for the first time, following insertion has been made.

Due care has been taken to reproduce the particulars of officers printed in this Seniority List correctly from the official records. However, in case of any inadvertent error, that might have crept in, the particulars as appearing in the official records shall be final and binding.

The above insertion has not found place in the Seniority List of the year 1995 and 2001. Therefore, it can safely be held that, the Respondent authority has corrected the date of birth of the Petitioner as per Matriculation Certificate showing the date of birth as 14 years 20 days as on 1.3.1963.

12. The Communication dated, 10.11.2003 (Annexure-7) would further show, that the Matriculation Certificate issued by the Gauhati University in the year 1972 correcting Petitioner's date of birth as 14 years 20 days in place of 17

years 1 month as on 1.3.1963, was very much in the record of the employer and the said certificate had been furnished within two years of entry into the service of the company and accordingly, in all other documents pertaining to his service have been accepted and corrected and now, the reason has been shown that, there is no letter of competent authority showing acceptance of his date of birth as submitted by the Petitioner, cannot be a ground for non-accepting the corrected date of birth in the facts and circumstances of the case.

13. The question of delay/laches, as raised by the counsel for the Respondents, in support of his argument, has no force in view of discussions made hereinabove. Admittedly, the Petitioner has entered into the service on 7.2.1970, showing his date of birth as 1.2.1946 and within two years, he has furnished the certificate showing corrected date of birth issued by the Gauhati University which has been accepted in all purposes as revealed from all other official records except in the original Service Record and thus question of delay on the part of the Petitioner in approaching the authority for correction of his date of birth, in the facts and circumstances of the case does not arise, more so, all the Official records show the corrected date of birth for last more than thirty years.

14. Now, the court is to see as to whether the impugned notice of superannuation of service of the Petitioner with effect from 31.1.2006, can be taken up for consideration on the ground of the same being violative of Articles 14 and 16 of the Constitution of India.

15. The dispute involved in this case is, when the Petitioner is due to retire from the service; whether it is on 31.1.06 or as per the corrected date of birth. If the Petitioner is to retire three years hereafter, as averred by the Petitioner or if he is to go on superannuation on 31.1.06, as per impugned letter/notice dated 21.11.2005, then the Petitioner's right to livelihood will be effected. On the basis of this premises, the sole point, that is required to be decided in this case is whether the impugned letter/notice dated 21.11.2005 vide Annexure-11 is arbitrary, the same being passed without applying relevant facts and materials into consideration.

16. In service jurisprudence, correction of date of birth for determining of age of superannuation is allowed on production of correct and genuine proof of date of birth by the employee. Certificates issued by educational authorities in various public examinations, recording the age of a candidate is accepted as a proof of age of all employees, including government employees.

17. In the instant case, the writ Petitioner wanted to correct his date of birth as recorded in his Matriculation Certificate issued by Gauhati University, which was done as per gazette notification dated 27th August, 1969 (Annexure-1) issued by the Gauhati University. The corrected Matriculation Certificate, issued by the University authority, pursuant to the aforesaid gazette notification, submitted by the Petitioner to the then Divisional Manager of Sterling General Insurance Co. Ltd. at Guwahati District Office (erstwhile employer of the Petitioner) for

recording the correct date of birth in the Service Record. The Petitioner in his reply to the query made by the Respondent employee vide Annexure-7, letter dated 10th November, 2003 (Annexure-8), clearly stated as follows:

In this connection I would like to let you know that, the date of birth was wrongly declared at the time of appearing in Matriculation examination and the same was inserted in the Matriculation Certificate accordingly. Subsequently it has been corrected by the Gauhati University on the same certificate which was submitted to the then Divisional Manager of Sterling General Insurance Co. Ltd. at Guwahati D.O. As I know the Executive Officer Mr. S. Bhattacharyya of Sterling General Insurance Co. Ltd. Guwahati D.O. has immediately corrected their records and forwarded to their respective offices at R.O. Calcutta and H.O. New Delhi.

This corrected date of birth is reflected in the Seniority Lists, Salary Sheets, Income Tax Projection Statements, Identity Card etc., issued by the Respondent employee.

18. The Seniority List is an important document of Service Record which reflects the status and position of the employees with respect to their inter-se seniority and is accepted by the authority concerned for making promotion from one grade to another. In this Seniority List, the corrected date of birth of the Petitioner is reflected. When this Court specifically pointed out this fact to Mr. Dutta, learned Counsel for the Respondents, he replied that, entry made on Salary Sheet, Income Tax Projection Statement, Provident Fund Statement and in the Seniority List, showing the date of birth as on 10.2.1949 is an "inadvertent error". Mr. Dutta also invited my attention to paragraph 8(a) of the affidavit-in-opposition, wherein it has been stated as follows:

Moreover, the Seniority List, booklet carries the disclaimer that "Due care has been taken to reproduce the particulars of officers printed in this Seniority List correctly from the official record. However, in case of any inadvertent error, that might have crept-in, the particulars as appearing in the official records shall be final and binding.

19. A pertinent point to note herein is the fact recorded in the letter dated, 10.11.03 (Annexure-7) wherein it is stated inter alia as follows:

We observed that at the time of appointment you had furnished your date of birth as 1.2.1946. However, subsequent to your appointment, you have furnished, a corrected matriculation certificate issued by the Gauhati University showing a change in your date of birth.

From your service file we do not find any letter showing acceptance by the Competent Authority regarding the change of date of birth. In this connection you are advised to let us know whether the change of date of birth i.e. 1.2.1949 has been accepted by the Competent Authority with details for our further action.

20. On perusal of the above letter dated 10.11.03, this Court infers the following

facts:

(i) That the previous employer of the Petitioner received the corrected Matriculation Certificate, issued by the Gauhati University, showing a change of date of birth of the Petitioner.

(ii) On receipt of this corrected certificate from the Petitioner, he submitted the same to the Divisional Manager of Sterling General Insurance Co. Ltd. at Guwahati District Office. The Executive Officer, Mr. S. Bhattacharjee of Sterling General Insurance Co. Ltd., Guwahati Divisional Office, corrected the records and forwarded to the respective offices i.e. Regional Office, Calcutta and Head Office, New Delhi.

This fact may also be inferred from Annexure-8 to the writ petition.

(iii) The Seniority List prepared by the employer reflected the corrected date of birth of the Petitioner without any objection from anybody. This fact may be inferred from the pleadings of the parties.

21. The contention of the Respondent is that, there is no letter in the service record of the Petitioner, showing acceptance by the competent authority regarding the change of date of birth.

In absence of such acceptance in the office file, the Respondent has acted upon the certificate, submitted by the Petitioner at the time of initial appointment and issued the impugned order asking the Petitioner to go on superannuation on 31.1.06.

22. The crucial point involved in the instant case is the determination of the Petitioner's claim for a declaration that, he would retire as per corrected date of birth and not on 31.1.06.

23. To determine this crucial point, this Court relies upon the inference, made at paragraph 20 above, with the help of the presumption as provided at illustration (f) of Section-14 of the Evidence Act.

24. The presumption at illustration (f) of Section 114 of the Evidence Act is the only relevant and material means to decide the basic question as to whether the age correction of the Petitioner, on production of the corrected Matriculation Certificate, issued by Gauhati University was acted upon or not.

25. This presumption is a presumption of fact and in order to arrive at this finding, this Court relies on a decision reported in Hira H. Advani Etc. Vs. State of Maharashtra,

Relevant paragraph 26 is quoted hereunder:

With regard to Ex. F-2, which according to the prosecution case-accepted by the Courts below-contained an account with regard to the consignment per s.s. Canton the prosecution case was that the figures on the left-hand side indicated the rates and the figures on the right-hand side indicated the total C.I.F. value of

the goods of each type consignment. Before us exception was taken to the two figures 80.80 and 11.02 appearing on the right-hand side. According to the prosecution the figure 11.02 was the amount of insurance premium in dollars paid in respect of the consignment on s.s. Canton. As the original which should have been with accused 2 was not produced, a copy of the insurance policy was put in and marked as Ex. Z-301. Ex. Z-259-F-1 was a copy of the same produced by accused 2 before the customs officers on 24th July 1959 as was borne out by the statement of accused 2. The contents of the two exhibits were found to be the same by both the courts. The claim superintendent of the insurance company in Bombay produced the copy of the premium note in respect of the said policy showing the amount of premium as \$ 11.02 and said to have been received by the Bombay office of the insurance company. Objection was raised to the admissibility of evidence of one Martin, Assistant Manager of New Zealand Insurance Company, Hong Kong Branch who had joined the branch in 1963 i.e. long after the issue of the policy in 1959 although he had been an employee of the said company since 1952 and claimed to be familiar with the procedure of insurance of export cargo followed by the company. According to this witness, the company used to prepare as many copies of the policy as were required by the insurer. A carbon of the original was always kept in the office records. Martin produced an office copy of the policy in respect of the consignment on s.s. Canton to which was attached a marine premium debit note and it was his evidence that in the usual course of business of the company such a debit note was always prepared at the time when the policy was issued and a copy thereof was attached to the copy of the policy kept in the records. Counsel objected to the reception of the copy of the premium note on the ground that there was no proof of its making or its correctness. The High Court accepted the evidence of Martin that the copy of the premium debit note had been attached to the policy kept in the office record ruling on the presumption afforded by illustration (f) to Section 114 of the Evidence Act that the practice of the insurance company of attaching such a note to the policy had been followed in this particular case. In our view the High Court was entitled to do so and no objection can be allowed to be raised on the ground that there was no proof of preparation of the original premium note.

26. When the Seniority List reflects the corrected age of the Petitioner, about the acceptance of the said corrected age, reflected in the corrected Matriculation Certificate furnished by the Petitioner was admittedly acted upon by the erstwhile employer and the present employer received the service of the Petitioner under them and also published Seniority List accordingly, it cannot now be said that, the previous employer did not accept the corrected age, inasmuch as, the same has already been acted upon in the Seniority List and other documents.

The Respondent authority now cannot go back to accept the incorrect date of birth which was reflected in the Matriculation Certificate corrected subsequently, thereby unsettling the settled fact; which in my considered view is absolutely an arbitrary act on the part of the Respondent authority, which is

liable to be set aside and quashed.

27. Now let us discuss the decisions cited and relied upon by the learned Counsel appearing on behalf of the Respondents.

The decision cited and reported in *Union of India Vs. C. Rama Swamy and others*, relates to All India Services (Death-Cum-Retirement Benefits) Rules, 1958 and Rule 16A which was inserted vide notification dated 4.12.1971. The Amended Rule 16A(4) provided that, every member of the service holding office immediately before the commencement of All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1971 shall, within three months from such commencement make a declaration as to the date of his birth and the Central Government shall, after making such inquiry, as it may deem fit with regard to the declaration and after considering such evidence, make an order within four months from the date of such declaration determining the date of birth of such member. Similarly, the case reported in *Government of Andhra Pradesh and Another Vs. M. Hayagreev Sarma*, relates to Rule 4 and 5 of AP Public Employment (Recording and Alteration of Date of Birth), Rule, 1984. The object underlying Rule 4 is to avoid repeated applications by a Government Employee for the correction of his date of birth and in that end in view it provided that Government Servant whose date of birth may have been recorded in the service register in accordance with the Rules applicable to him and if that entry have become final under the Rules prior to the commencement of 1984 Rules, he will not be entitled for alteration of his date of birth and therefore, held that Respondent was not entitled to claim alteration of his date of birth after the enforcement of 1984 Rules, which is not the case in hand, inasmuch as the guidelines adopted by the company under Clause 8(4) would show that the writ Petitioner has produced the certificate showing his correct date of birth as corrected in the Matriculation Certificate by the Gauhati University, which has been accepted by the employer in all other records pertaining to his service and hence the decision cited has no application in the facts and circumstances of the case.

28. The decision cited and reported in *State of Assam and Another Vs. Daksha Prasad Deka and Others*, would go to show that the same relates to the date of retirement on the basis of Service Record. There is no ambiguity with the aforesaid decision. In the insta(sic) case the record shows that, the employees did not find any letter accepting his change of date of birth by the competent authority which otherwise would show that, they have accepted the change of the date of birth as per corrected Matriculation Certificate in other relevant Service Record of the Petitioner and as such curtailment of service period without correction of date of birth in the service record, as urged, cannot be accepted in the facts and circumstances of the case.

29. The decision relied on in the case reported in (1994) Supp. (1) SCC 155, G.M., *Bharat Coking Coal Ltd., West Bengal Vs. Shib Kumar Dushad and Others*, and *State of Punjab and Others Vs. S.C. Chadha*, relates to the power of the High

Court in the matter of correction of date of birth. The High Court under Article 226 of the Constitution of India, has ample power to issue a mandamus to accept the corrected date of birth if the condition has been fulfilled viz; that, the recorded date of birth was made due to negligence of some other person. In the instant case, the pleadings established that, at the time of entry in the school, the date of birth has been wrongly given which has been subsequently corrected and accepted by the Gauhati University which attains its finality long back and hence the decision cited has no application in the instant case.

30. The case reported in *State of U.P. and Others Vs. Smt. Gulaichi*, relates to age of retirement and the correction of date of birth, sought at the verge of retirement and a suit was filled for a declaration that, the Petitioner's date of birth is 31.7.39 but by mistake, it was recorded as 31.7.29. The suit was dismissed but on appeal, the suit was decreed. In the second appeal, the High Court declined to interfere and the Supreme Court allowed the appeal since statutory provisions was not considered. In the said decision, the Apex Court observed that, a Government servant is not precluded from making a request later on for correction of his age. It is open to a civil servant to claim correction of his date of birth, if he is in possession of irrefutable proof relating to his date of birth as different from the one earlier recorded. In the case reported in (2004) 3 GLT 373 (Supra), this Court held that Petitioner must have produced School Certificate at the time to recording his date of birth in the Service book, which was duly accepted by the Petitioner by putting his signature. The Petitioner, after 36 years of entering service, made representation for change of date of birth, which cannot be allowed. In the instant case, the Petitioner, his date of birth corrected through the University which is an authority under the law and the same was furnished within two years of entry into the service which has been accepted and admitted by the employer and therefore, this Court has no hesitation to allow the writ petition directing the Respondents authority to correct the date of birth as 14 years 20 days in place of 17 years 1 month as on 1.3.1963 and allow him to continue in the service till he attains the age of superannuation.

31. In the result, the writ petition is allowed. The Respondent authority is directed to correct the Service record of the writ Petitioner by entering correct date of birth as 14 years 20 days in place of 17 years 1 month as on 1.3.1963 and to allow the Petitioner to remain in service till superannuation on the basis of this corrected date of birth. The same is to be done within a period of two weeks from today.

However, parties are directed to bear their own costs in the facts and circumstances of the case.