
(2021) 02 UK CK 0109

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 3300 Of 2018

Ram Kishore Rai

APPELLANT

Vs

G.B. Pant Agriculture And Technology University Pant Nagar &
Others

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Citation : (2021) 02 UK CK 0109

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : M.S. Chauhan, Soniya Chawla

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Petitioner by way of instant petition seeks directions that his correct date of birth 15.07.1965 be recorded in all the official records, and order dated

07.09.2018 (Annexure No.13) passed by respondent no. 3 be quashed, by which the earlier order for correcting the date of birth of the petitioner has

been cancelled.

2. It is the case of the petitioner that he has been working in the establishment of respondent no. 1 G.B. Pant Agriculture and Technology University,

Pant Nagar (for short "the University"). In the offer letter dated 06.03.1990, his date of birth was mentioned as 15.07.1958; in other documents,

his date of birth was recorded as 17.07.1965. Petitioner was asked to clarify about it. Thereafter, the petitioner submitted that, according to high

school certificate, his date of birth is 15.07.1965, which as such, is recorded in the GPF, Group Insurance and other documents with the University.

After considering the matter, by an order dated 07.08.2018 (Annexure No. 8), respondent no. 3 directed that the date of birth of the petitioner be recorded as 15.07.1965 in all the records, but subsequently, respondent no. 3 on 07.09.2018 cancelled his own order dated 07.08.2018 raising doubts about the date of birth of the petitioner. It is impugned here.

3. Learned counsel for the petitioner would submit that the petitioner worked as a daily wager with the University. In some of his official records, his date of birth is recorded as 15.07.1965, but due to error in some other documents, his date of birth has been differently noted. It is argued that now the University has verified the date of birth of the petitioner from Bihar School Examination Board, and it has now been confirmed that the date of birth of the petitioner is 15.07.1965. In fact, it is argued that the respondents by way of a supplementary counter affidavit have submitted record to that effect.

Therefore, it is submitted that the petition deserves to be allowed.

4. Learned counsel for the respondents would submit that, in fact, after order dated 07.09.2018, the University verified the date of birth of the petitioner from Bihar School Examination Board and it has now been confirmed that the date of birth of the petitioner is 15.07.1965. In its counter affidavit initially, the respondents have raised doubts about the date of birth of the petitioner, and in paragraph no. 9 of the counter affidavit, it was recorded that the respondents contemplate to initiate departmental proceedings against the petitioner. At the time of argument, the learned counsel for the respondents would submit that in view of the different dates of birth recorded in the official records, the University at that time contemplated for proceeding departmentally against the petitioner, but now since the date of birth of the petitioner has been confirmed from the Bihar School Examination Board, the respondents are not contemplating to proceed against the petitioner on this count. Now, there is no occasion to proceed against the petitioner.

5. It is admitted that, according to the Rules, the date of birth shall be recorded in the official record as mentioned in the high school examination certificate. It is also admitted that different date of births were recorded in the official records of the petitioner, but when asked to explain, it is a fact that the petitioner produced his high school certificate to explain that his date of birth is 15.07.1965. This is the date of birth which has now been

verified by the respondents also. In fact, by way of a supplementary counter affidavit, this fact has been brought to the notice of this Court by the respondents. In view of it, there remains less to adjudicate and it becomes almost an admitted case.

6. In view thereof, writ petition deserves to be allowed.

7. Writ petition is allowed. Impugned order dated 07.09.2018 (Annexure No. 13) is quashed. Respondents are directed to record 15.07.1965 as the date of birth of the petitioner in all his official records.