

(2023) 05 RAJ CK 0002

In the Rajasthan High Court

Case No : Civil Writ Petition No. 18387 Of 2019

Sanwala Ram Meena

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-05-2023

Acts Referred:

Constitution Of India, 1950 — Article 226(3)

Citation : (2023) 05 RAJ CK 0002

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Ramniwas Choudhary, Digvijay Singh Jasol

Final Decision : Dismissed

Judgement

Dinesh Mehta, J

1. The petitioner has approached this Court with an assertion that the respondents are going to superannuate him on the basis of wrongly recorded date of birth (01.01.1960).
2. For the purpose aforesaid, the petitioner has solely relied upon a certificate dated 06.11.2003, which according to him was got prepared at the instance of the respondents, in which petitioner's age has been recorded as 36 years.
3. According to the petitioner, when the age of the petitioner in the year 2003 was shown as 36 years, the year of his birth comes to 1967, whereas the respondents have wrongly recorded his date of birth as 01.01.1960.
4. The only other document, which the petitioner has placed on record is, his Aadhar Card, in which his date of birth has been recorded as 27.06.1960, but the same has been got prepared recently.
5. While observing that the present petition involves numerous questions of disputed facts, the interim order dated 19.12.2019 was vacated by this Court on 22.02.2021 with the following observations:-

"1. The matter comes up for consideration on an application under Article 226 (3) of the Constitution of India seeking vacation of interim order.

2. The petitioner has approached this Court with an assertion made in para No.10 of the writ petition that in spite of the fact that his date of birth in all the documents including Service Record Book, Aadhar Card, Birth Certificate etc is recorded as 27.06.1967, the respondents are going to retire him on completion of 60 years of age with effect from 31.12.2019, considering his date of birth as 01.01.1960.

3. In other words, petitioner's assertion as made in para No.10 of the writ petition is that his date of birth is 27.06.1967 as recorded in various documents, including service book as against this, a perusal of exhibit R/1, photocopy of service record reveals that petitioner's date of birth is recorded as 01.01.1960.

4. During the course of arguments, learned counsel submitted that such date of birth (01.01.1960) has been recorded on the basis of Voter ID Card which according to him, is not conclusive.

6. It is surprising to note that petitioner despite knowing the fact that his date of birth in service record has been entered as 01.01.1960 that too on the basis of Voter ID Card, has neither disclosed the correct facts, nor has he enclosed copy of the Voter ID Card.

6. All other documents which petitioner is relying upon, except for the medical certificate (which was issued on 06.11.2003) have been issued much after the date when the petitioner joined the service on 08.07.2002.

7. In prima facie opinion of this Court, petitioner has approached this Court with incorrect assertions of facts; he has not even enclosed photocopy of Voter ID Card on the basis of which he asserts that his date of birth has been recorded in service book.

8. The petitioner has not made any representation before the respondents in relation to date of birth and the present petition came to be filed as late as on 07.08.2019.

9. This being the position and considering other facts as noted above, the interim order dated 19.12.2019, deserves to be and is hereby vacated.

10. Stay petition stands dismissed.

11. The matter is, however, adjourned for six weeks directing the petitioner to place on record a copy of Voter ID Card.

12. Needless to observe that if writ petition filed by the petitioner is ultimately allowed, he will be entitled for all benefits."

7. It is to be noted that despite direction to the petitioner to produce copy of his voter ID, the petitioner has neither produced his voter ID nor has he cared to produce any other document (except Aadhar Card) to assert that his year of birth

is 1967.

8. This Court is unable to accept petitioner's contention that he was not aware about recording of his date of birth as 01.01.1960.

9. Entry in service book cannot be permitted to be challenged at the fag end of the career.

10. This Court does not find any reason to interfere in the matter.

11. The writ petition therefore fails.

12. Stay petition also stands dismissed accordingly.