



129 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-29432-2025

Date of decision: 08.10.2025

Mam Chand

....Petitioner

Versus

Haryana Shehri Vikas Pradhikaran and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. R.S. Dhull, Advocate and  
Mr. Navnit Sharma, Advocate  
for the petitioner (through V.C.).

Mr. Sukhdeep Singh Parmar, Advocate  
for the respondents.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to correct the petitioner's date of birth in the service record from 06.09.1967 to 06.09.1969 and a writ in the nature of prohibition restraining the respondents from retiring the petitioner on 30.09.2025.

2. Learned counsel for the petitioner inter alia contends that the petitioner was appointed on a regular basis on 05.05.1997. His genuine date of birth is 06.09.1969, as evidenced by his Aadhar Card, PAN Card, Voter ID, and even the identity card issued by the department itself (Annexure P-1). He submits that the petitioner was never intimated about the wrong entry of his date of birth as `06.09.1967` in his service book and only became aware of it when the process for his retirement on 30.09.2025 was initiated. He places heavy reliance on the judgment of the Hon'b'le Supreme Court in ***Mohd.***



*Yunus Khan vs. U.P Power Corporation Ltd. and Ors 2009 (1) SCC 80*, to contend that an employee cannot be faulted for a wrong entry of which he had no knowledge.

3. Per Contra, learned counsel for the respondents, submitted that the Finance Department Notification dated 13.08.2001, specifically Paragraph 1 thereof, stipulates a mandatory and conclusive time limit. He submits that a declaration of age made at the time of entry into service is deemed conclusive unless an application for correction is made within two years from the date of entry. He further submits that the petitioner entered service in 1997 and has approached the Court at the fag end of his service, nearly three decades later, which is impermissible under the statutory rules.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The sole question for consideration is whether the petitioner is entitled to the correction of his date of birth at this belated stage, after being entering into service for over two and half decades.

6. The Haryana Government Finance Department (Regulation) Notification dated 13.08.2001, which has statutory force, provides a complete answer, para 1 of the section 2 (i) of Notification reads as under:

*"1. In regard to the date of birth a declaration of age made at the time of, or for the purpose of entry into Government Service, shall as against the Government employee in question, be deemed to be conclusive unless **he applied for correction of his age as recorded within two years from the date of his entry into Government service.** No application submitted beyond the stipulated period of two years for change in date of birth will be entertained..."*

(Emphasis added)



7. The language of the rule is unambiguous and brooks no exception. The petitioner entered the government service on an ad-hoc basis on 01.03.1992 who later got regularized on 05.05.1997. The stipulated period of two years for seeking any correction expired on 01.03.1994 itself, as though on an ad-hoc basis but it was his entry into Government Service. The petitioner's representation, which forms the basis of this petition, was made only in 2025, on the eve of his retirement. This is clearly beyond the period prescribed by the applicable regulation.

8. A Two-Judge Bench of the Hon'ble Supreme Court in *The General Manager, M/S Barsua Iron Ore Mines v. The Vice President United Mines Mazdoor Union and Ors.* 2024 INSC 264 which speaking through Justice Ahsanuddin Amanullah made the following observation,

*20. Although, we have examined the matter from the lens of fraud as well, in view of our discussions hereinabove, the said aspect does not merit deeper probe. We leave it at that. For the present, it would suffice to refer to a pronouncement of recent vintage by this Court in Karnataka Rural Infrastructure Development Limited v T P Nataraja, (2021) 12 SCC 27, where earlier precedents in Home Department v R Kirubakaran, 1994 Supp (1) SCC 155; State of Madhya Pradesh v Premal Shrivastava, (2011) 9 SCC 664; Life Insurance Corporation of India v R Basavaraju, (2016) 15 SCC 781 and Bharat Coking Coal Limited v Shyam Kishore Singh, (2020) 3 SCC 411 were considered. Although this Court in T P Nataraja (supra) was looking at the facts therein, in the context of the Karnataka State Servants (Determination of Age) Act, 1974, the principle of law laid down would equally apply insofar as change of date of birth in service records is concerned, with which we concur:*

**“11. Considering the aforesaid decisions of this Court the law on change of date of birth can be summarised as under:**

*(i) application for change of date of birth can only be as per the relevant provisions/regulations applicable;*

*(ii) even if there is cogent evidence, the same cannot be claimed as a matter of right;*

**(iii) application can be rejected on the ground of delay and laches also more particularly when it is made at the fag-end of service and/or when the employee is about to retire on attaining the age of superannuation.”**

(emphasis added)



9. The reliance placed by the petitioner's counsel on ***Mohd. Yunus Khan (supra)*** is misplaced. In the said case, the employee had promptly raised the issue upon discovering the discrepancy which the respondent admitted. The principle laid down therein is intended to protect an employee who acts with due diligence and without undue delay. It does not, however, nullify a specific and binding statutory limitation period. The petitioner in the present case, having served for more than three decades since 1992, is deemed to have accepted the recorded date of birth and cannot be permitted to seek its correction in the service records at the fag end of his career by taking recourse to Article 226 of the Constitution, which does not come to the aid of the tardy, the indolent, or the lethargic.

10. In view of the discussion above this Court finds no ground to exercise its extraordinary writ jurisdiction in favour of the petitioner. The present writ petition is hereby dismissed.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**08.10.2025**

*Neha*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No