



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 6398/2024

Lachhi Ram S/o Shri Moti Lal Mali, Aged About 55 Years, R/o Village Netawala, Post Kikawas, Tehsil Vallabhnagar, District Udaipur Presently Working As Driver, Livestock Research Centre, Nawaniya, Wallabhnagar, Udaipur (Raj.).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Animal Husbandry, Government Of Rajasthan, Secretariat, Jaipur.
2. Registrar, Rajasthan University Of Veterinary And Animal Sciences, Bikaner.
3. Officer Incharge, Livestock Research Centre, Nawania, Wallabhnagar, Udaipur.
4. Dean College Of Veterinary and Animal Science, Nawaniya, Vallabhnagar, Udaipur.

----Respondents

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For Petitioner(s) : Mr. Mukesh Vyas.  
For Respondent(s) : Mr. Deepak Suthar on behalf of  
Mr. S.S. Ladrecha, AAG.  
Mr. Pramendra Bohra a/w  
Mr. Dhanraj Khichi.

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**HON'BLE MR. JUSTICE MUNNURI LAXMAN**

**Order**

**26/11/2025**

1. At the request of and with the consent of the learned counsel for the parties, the writ petition has been taken up for final disposal.
2. The present writ petition has been filed challenging the impugned order of retirement dated 04.11.2023 (Annex.1) whereby and whereunder, the petitioner was ordered to be retired on 31.05.2024.



3. The case of the petitioner is that the petitioner was appointed as a Class IV employee in the year 1988. In the appointment order, his date of birth was given as 18.05.1964. In the year 2021, the petitioner made an application for correction of his date of birth in the service record based his claim on the duplicate certificate issued from the school authorities. On the application of the petitioner, the immediate superior officer appointed a committee to inquire into the matter. The committee visited the schools where the petitioner claims to have studied and produced the certificate in which the date of birth of the petitioner was mentioned as 18.05.1969. The committee found the certificate produced by the petitioner to be genuine one.

4. Further case of the petitioner is that the respondent - authorities, while ignoring the application made by the petitioner for correction in the date of birth, passed the impugned order dated 04.11.2023 whereby and whereunder, the petitioner was ordered to be retired on 31.05.2024. Challenging the same, the present writ petition has been filed by the petitioner.

5. The learned counsel appearing for the petitioner submits that as per Rule 8-A Sub-rule (2)(b) Clause (iii) requires the appointing authority to make necessary entry in the service record of employee, as entered in the school record or entry of date of birth in the certificate issued by the Municipal Authorities or the Panchayat Samiti. The petitioner have the school certificate mentioning his correct date of birth hence, the respondents should have mentioned the same as per the Rule. It is submitted that the date of birth as mentioned in the service record is contrary to school record. On coming to know about the error, such correction





was sought to be made by the application in the year 2021. The respondents authorities should have given due adherence to the Rules in this regard.

6. It is also the contention of the learned counsel appearing for the petitioner that the committee constituted, for the verification of the date of birth as mentioned in the certificate issued by the school, has given its opinion that the contents of the certificate are found to be correct. Therefore, the respondents authorities are required to correct the date of birth of the petitioner in the service records.

7. The case of the respondents is that the petitioner's appointment order clearly indicates the date of birth of the petitioner as 18.05.1964 and that was basing on the self-declaration made by the petitioner himself. Even if the self-declaration made by the petitioner is ignored, the same date of birth is mentioned in other documents as well as in the seniority list prepared while giving promotion to the petitioner. Therefore, the date of birth of the petitioner cannot be said to be wrongly entered in the original service records. The entry regarding date of birth as mentioned in the appointment order was sought to be corrected at the fag end of his services or at the verge of retirement, which cannot be allowed.

8. It is also submitted by the learned counsel appearing for the respondents that the officer, who constituted the committee, was incompetent to do so. He was just an officer immediate superior to the petitioner. Appointment of the committee was itself without jurisdiction, therefore, the opinion expressed by the committee is not binding upon the University. It is submitted that the officer





concerned was even charge-sheeted afterwards. Therefore, the report given by the committee is immaterial for the reason that the entry made in the service records was based on the disclosure of the petitioner himself and the correction was sought at the verge of retirement by the petitioner.

9. In the background of the above submissions, it is aptitude to refer to Rule 8A(2)(b)(iii) of the Rajasthan Service Rules, 1951 which reads as follows:-

**"Rule 8A(2)(b)**

*(iii) Where the minimum qualifications prescribed for appointment to post under Government is below Secondary/ Higher Secondary or equivalent, the date of birth shall be determined with reference to the certificate of date of birth issued by the Municipality or Panchayat or School according to the entry made in their respective records, and in the event of non-availability of the aforesaid certificate, the date of birth declared by the applicant at the time of first appointment may be accepted. If the date of birth of a Government is not known and he is able to state the year of birth, the procedure laid down in Rule 63 of General Financial and Account Rules shall be followed."*

10. A reading of the above Rule clearly shows that where the minimum qualifications prescribed for appointment to post under Government is below Secondary/ Higher Secondary or equivalent, the date of birth shall be determined with reference to the certificate of date of birth issued by the Municipality, Panchayat or School. Accordingly, the entry should be made in their respective service records, and in the event of non-availability of the





aforesaid certificate of the date of birth declared by the applicant at the time of first appointment may be accepted. If the date of birth of a Government is not known and he is unable to state the year of birth, the procedure laid down in Rule 63 of General Financial and Account Rules shall be followed.

11. It is not the case of the petitioner that he has produced the school certificate, now sought to be produced, at the time of his first appointment. It is only his grievance that the date of birth as mentioned in his service records is not correct and the same is required to be corrected. The entry in the service records is to be made with reference to the certificate issued by the Municipality, Panchayat or the School. In absence of such certificate, the same is required to be accepted based on the self-declaration made by the applicant himself at the time of first appointment. Further, in absence of such declaration also, the procedure prescribed under Rule 63 of General Financial and Account Rules is required to be followed.

12. It is also not the case of the petitioner that the application for correction was not made based the self-declaration made by the petitioner at the time of appointment; such an entry was made in the service records without giving priority to the certificate issued by the school authority.

13. It is established law in the service jurisprudence that the application for correction in the date of birth as mentioned in the service records should not have been made at the stage of retirement. On the contrary, such exercise is required to be done at the early stage of service. In this regard, it is relevant to refer to the decision of Hon'ble Supreme Court in the case of **State of**





**M.P. Vs. Premlal Shrivias : (2011) 9 SCC 664**, which reads as follows:-

"8. It needs to be emphasised that in matters involving correction of date of birth of a government servant, particularly on the even of his superannuation or at the fag-end of his career, the court or the tribunal has to be circumspect, cautious and careful while issuing direction for correction of date of birth, recorded in the service book at the time of entry into any government service. Unless the court or the tribunal is fully satisfied on the basis of the irrefutable proof relating to his date of birth and that such a claim is made in accordance with the procedure prescribed or as per the consistent procedure adopted by the department concerned, as the case may be, and a real injustice has been caused to the person concerned, the court or the tribunal should be loath to issue a direction for correction of the service book. Time and again this Court has expressed the view that if a government servant makes a request for correction of the recorded date of birth after lapse of a long time of his induction into the service, particularly beyond the time fixed by his employer, he cannot claim, as a matter of right, the correction of his date of birth, even if he has good evidence to establish that the recorded date of birth is clearly erroneous. No court or the tribunal can come to the aid of those who sleep over their rights (see *Union of India v. Harnam Singh*<sup>8</sup>).

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12. Be that as it may, in our opinion, the delay of over two decades in applying for the correction of date of birth is *ex facie fatal* to the case of the respondent, notwithstanding the fact that there was no specific





*rule or order, framed or made, prescribing the period within which such application could be filed. It is trite that even in such a situation such an application should be filed which can be held to be reasonable. The application filed by the respondent 25 years after his induction into service, by no standards, can be held to be reasonable, more so when not a feeble attempt was made to explain the said delay. There is also no substance in the plea of the respondent that since Rule 84 of the M.P. Financial Code does not prescribe the time-limit within which an application is to be filed, the appellants were duty-bound to correct the clerical error in record of his date of birth in the service book."*

14. The contention of the learned counsel appearing for the petitioner is that the application for correction of date of birth was made in the year 2021. As seen from the record of the case, the petitioner was appointed in the year 1988 and there is no concrete material to show that the date of birth as mentioned in the school certificate was ignored while making entry in the service records prepared at the time of appointment of the petitioner.

15. Even if, it is supposed that the entry made in the service records regarding date of birth is contrary to the school certificate, the petitioner could have challenged the same immediately, not after almost 33 years of service. It is seen that the grievance regarding date of birth was ventilated by the petitioner after 33 years of service and that too, at the fag end of his service or near the date of retirement. Therefore, this Court is of the view that the respondent authorities have rightly rejected the claim of the





petitioner regarding correction of the date of birth. This Court is not inclined to interfere in the matter.

16. At this juncture, the learned counsel appearing for the petitioner strongly relied upon the report of the committee. In this regard, this Court is of the view that the committee was not constituted by the appointing authority. The constitution of the committee was done by an officer, who was not competent to do. Therefore, the action taken by the committee is not binding upon the appointing authority. Further, even if the certificate produced by the petitioner was found to be correct one, such claims cannot be allowed at belated stage.

17. In the result, the instant writ petition is ***dismissed***.

18. The interim order dated 08.05.2024 granted by the coordinate Bench of this Court stands vacated.

19. All the pending applications, if any, shall stand disposed of.

**(MUNNURI LAXMAN),J**

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