



2026:CGHC:10136

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4531 of 2014

Latora Das Chaudhary (Died) Through Lrs Munni Bai Choudhary W/o Late
Latora Das Choudhary Aged About 58 Years R/o Near Ram Mandir,
Navrojabad, Tahsil - Navrojabad, District - Umariya M.P.

... Petitioner

versus

**1 - General Manager, South East Coalfields Limited Seepat Road Bilaspur,
Distt. Bilaspur C.G.**

**2 - The Director Personnel Manager Secl, Seepat, Tahsil And District -
Bilaspur C.G.**

**3 - Deputy Personnel Manager Johila Area Secl Navrojabad, Tahsil And
Distt. Umariya M.P.**

4 - Age Determination Committee Secl Seepat, Head Office, Bilaspur C.G.

---Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Kamlesh Kumar Pandey and Mr. Amitesh Kumar Pandey, Advocates
For Respondents/SECL	:	Mr. H.B. Agrawal, Senior Advocate along with Ms. Priti Yadav, Advocate

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board



26/02/2026

1. Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents/South Eastern Coalfields Limited (SECL).
2. The present writ petition has been filed questioning the legality and validity of the order dated 12.07.2014 (Annexure P/7) in Ref. No. SECL/GM/JA-AHQ/ Legal/2014/258, whereby, pursuant to the direction issued by this Court in W.P.(S) No.90 of 2014, the Age Determination Committee affirmed the petitioner's date of birth as 07.11.1954 as recorded in the service records and rejected his claim for correction of date of birth to 22.06.1960. Challenge has also been made to the communication dated 22.05.2014 informing the petitioner that he would stand superannuated with effect from 30.11.2014 on the basis of the recorded date of birth. The petitioner has made following reliefs in the writ petition:-

“10.1 That, this Hon’ble Court may kindly be pleased to call for entire records from the respondents regarding present case of petitioner.

10.2 That, this Hon’ble Court may kindly be pleased to quash the impugned order dated 12.07.2014 (Annexure P/7) and letter dated 22.05.2014 and may further be issued a direction/ directions, writ/writs or order/orders to the respondents to correct the date of birth in service record of petitioner as 22.06.1960 instead of 07.11.1954 on the basis of school certificates.

10.3 That, this Hon’ble Court may kindly be pleased to issue a writ of mandamus, directing



the respondents not to retire the petitioner on 30.11.2014 as issued the letter dated 22.05.2014.

10.4 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

3. During the pendency of the writ petition, the original petitioner Latora Das Chaudhary has died on 20.10.2019, thereafter his wife Munni Bai Chaudhary has been substituted in place of the original petitioner and she is prosecuting the present writ petition.
4. The facts of the case, in brief, are that the original petitioner, Latora Das Choudhary (since deceased) was initially appointed as a Loader in Navrojabad Colliery under South Eastern Coalfields Limited (in short 'SECL') on 07.11.1981. At the time of entry into service, the respondents recorded his date of birth in service records as 07.11.1954. According to the petitioner, his correct date of birth is 22.06.1960, as reflected in his educational records including Class-V, Class-VIII and High School certificates issued by the competent educational authorities. The petitioner claims that he had been objecting to the incorrect recording of his date of birth from the inception and had submitted representations seeking correction of the same.
5. Earlier, the petitioner had approached this Court by filing W.P. No.4838 of 2005, which was withdrawn on 26.04.2012 with liberty to avail the remedy before the Age Determination Committee. Thereafter, when the petitioner was not referred to Age Determination Committee by the SECL, he again approached this Court by filing



W.P.(S) No.90 of 2014, in which this Court directed the respondents vide order dated 21.01.2014, to refer the matter to the Age Determination Committee in accordance with Implementation Instruction No.76. Pursuant thereto, the Committee considered the claim and by order dated 12.07.2014 upheld the recorded date of birth of the petitioner as 07.11.1954. Consequentially, the petitioner was informed vide letter dated 22.05.2014 that he would retire on attaining the age of superannuation on 30.11.2014. Aggrieved thereby, the instant writ petition has been preferred.

6. Learned counsel for the petitioner would submit that the impugned order dated 12.07.2014 is contrary to Clause B(1)(a) of Implementation Instruction No.76, which mandates that matriculation or equivalent educational certificates issued prior to entry into service ought to be treated as conclusive proof of age. It is argued that the petitioner's Class-VIII mark-sheet had been issued in the year 1980, prior to his appointment on 07.11.1981, and the date of birth mentioned therein was 22.06.1960. The respondents, therefore, committed a manifest illegality in ignoring the educational records and resorting to medical assessment.
7. It is further submitted that the petitioner had continuously pursued correction of his date of birth and had never acquiesced to the incorrect entry in service records. Reliance has been placed upon the decision rendered by this Court in **Adya Singh v. SECL & Others**, W.P.(S) No.1957 of 2008 decided on 21.01.2014, and upon the judgment of the Hon'ble Supreme Court in **Manoj Kumar v. Government of NCT of Delhi and Others**, (2010) 11 SCC 702 to



contend that matriculation certificates constitute strong evidence regarding date of birth and ought to prevail over other forms of evidence.

8. He would further submit that on 27.01.2015, the petitioner made an application under Right to Information Act for certain information and then the respondent No.3 had supplied the documents on 31.03.2015, in which the column No.7, it is mentioned that the petitioner is Higher Secondary failed. In the said document, in the handwriting of the petitioner, a note has been put on 11.12.1987 that his date of birth be corrected as 22.06.1960 as per his class 8th mark-sheet. The petitioner had supplied his class 8th mark-sheet, which is very much available with the respondent/SECL, in which the date of birth of the petitioner is mentioned as 22.06.1960. The petitioner from the very beginning requested the respondent authorities for correction of his date of birth, but the same has not been corrected. On 11.12.2002 also, the petitioner made his request for correction of his date of birth in his service record, but the same has not been corrected, therefore, he again approached this Court for correction of his date of birth in the service record.
9. In support of his submission, he would rely upon the judgment of **Arjun Lal v. South Eastern Coalfields Limited and others**, decided on 28.03.2024, by coordinate bench of this Court in WPS No. 484 of 2018 and **Gorelal v. South Eastern Coalfields Limited and others**, decided by Hon'ble Division Bench of this Court on 26.06.2024, in WA No. 32 of 2023.



10. Learned counsel appearing for the respondents/SECL would submit that the petition filed by the petitioner is devoid of merit and deserves dismissal. It is argued that the petitioner entered in service in the year 1981 as a Loader, an unskilled category post for which no educational qualification was required, and the date of birth recorded in the statutory Form-B/service records was 07.11.1954. The petitioner accepted the said entry and continued in service for decades without seeking appropriate redress within a reasonable period.
11. It is further submitted that, pursuant to the earlier order passed by this Court in W.P.(S) No.90 of 2014, the dispute was specifically referred to the Age Determination Committee, which considered the matter and after due process of examination of the records adduced by the petitioner, the documents submitted by the SECL and the medical test and radiological finding of the petitioner, the Age Determination Committee opined that the age of the petitioner is commensurate with the date of birth of the petitioner recorded in the service record as 07.11.1954 and affirmed the recorded date of birth. Having accepted the order directing adjudication by the Committee, the petitioner cannot now be permitted to reopen the issue by asserting that educational certificates should have been treated as conclusive. He would also submit that the petitioner entered into service in the year 1981 whereas his matriculation certificate is of the year 1988, therefore, as per Clause B(1)(a) of Implementation Instruction No.76, the matriculation certificate should have been issued prior to entry in service, but in the present case, his matriculation certificate was issued after his entry in service,



therefore, the same cannot be considered for correction of his date of birth and he was referred to Age Determination Committee, as he himself wanted to go before the Age Determination Committee as has been reflected in the order dated 26.04.2012, passed in WP No. 4838 of 2005. It is submitted that alteration of date of birth at the verge of retirement is impermissible in law and is contrary to the settled principles laid down by the Hon'ble Supreme Court. The finding recorded by the Age Determination Committee is the finding of fact based on various factual aspects. In support of his submission, he would refer to the order dated 01.11.2023, passed by this Court in WPS No. 4571 of 2011 (**Rambalak Pandey v. SECL and others**).

12. I have heard learned counsel for the parties and perused the documents annexed with the writ petition by the parties.
13. The law relating to correction of date of birth in service records is no longer res integra. The Hon'ble Supreme Court has consistently held that an employee seeking correction of date of birth at the fag end of service cannot invoke the extraordinary jurisdiction of the Court unless a clear and unimpeachable case is made out in accordance with the applicable rules and within a reasonable time.
14. In **State of Madhya Pradesh and Others v. Premlal Shrivastava**, (2011) 9 SCC 664, the Hon'ble Supreme Court held:

"9. In *Home Deptt. v. R. Kirubakaran*⁴ indicating the factors relevant in disposal of an application for correction of date of birth just before the superannuation and highlighting the scope of interference by the courts or the tribunals in such



matters, this Court has observed thus: (SCC pp. 158-59, para 7)

"7. An application for correction of the date of birth should not be dealt with by the tribunal or the High Court keeping in view only the public servant concerned. It need not be pointed out that any such direction for correction of the date of birth of the public servant concerned has a chain reaction, inasmuch as others waiting for years, below him for their respective promotions are affected in this process. Some are likely to suffer irreparable injury, inasmuch as, because of the correction of the date of birth, the officer concerned, continues in office, in some cases for years, within which time many officers who are below him in seniority waiting for their promotion, may lose their promotions for ever. Cases are not unknown when a person accepts appointment keeping in view the date of retirement of his immediate senior. According to us, this is an important aspect, which cannot be lost sight of by the court or the tribunal while examining the grievance of a public servant in respect of correction of his date of birth. As such, unless a clear case, on the basis of materials which can be held to be conclusive in nature, is made out by the respondent, the court or the tribunal should not issue a direction, on the basis of materials which make such claim only *plausible*. *Before any such direction is issued, the court or the tribunal must be fully satisfied that there has been real*



injustice to the person concerned and his claim for correction of date of birth has been made in accordance with the procedure prescribed, and within the time fixed by any rule or order. If no rule or order has been framed or made, prescribing the period within which such application has to be filed, then such application must be filed within the time, which can be held to be reasonable. The applicant has to produce the evidence in support of such claim, which may amount to irrefutable proof relating to his date of birth. Whenever any such question arises, the onus is on the applicant, to prove the wrong recording of his date of birth, in his service book. In many cases it is a part of the strategy on the part of such public servants to approach the court or the tribunal on the eve of their retirement, questioning the correctness of the entries in respect of their dates of birth in the service books. By this process, it has come to the notice of this Court that in many cases, even if ultimately their applications are dismissed, by virtue of interim orders, they continue for months, after the date of superannuation. The court or the tribunal must, therefore, be slow in granting an interim relief for continuation in service, unless *prima facie* evidence of unimpeachable character is produced because if the public servant succeeds, he can always be compensated, but if he fails, he would have enjoyed undeserved benefit of extended service and merely caused injustice to his immediate junior.



(emphasis supplied)"

15. In order to appreciate the entries made in the service record at the time of appointment of the petitioner Latora Das Chaudhary, it appears that the matriculation certificate was not available with the petitioner at the time of his appointment. Undisputedly, the petitioner was appointed in the year 1981, whereas he did his matriculation in the year 1988 as has been reflected from his matriculation certificate annexed in the petition at page No. 13. Clause B(1)(a) of Implementation Instruction No.76 provided that:-

“B. Review/Determination of Date of Birth in respect of existing employee:-

(i)(a) In the case of the existing employee matriculation certificate or higher secondary certificate issued by the recognized Universities or Boards of middle education and/or Department of Public Instructions and admit card issued by the aforesaid bodies should be treated as correct, **provided they were issued by the said Universities/Boards/Institutions prior to the date of employment.”**

16. In the present case also, the matriculation certificate of the petitioner was issued in the year 1988, which is much after his entry in service and therefore, the date of birth of the petitioner recorded in matriculation certificate cannot be considered to be correct date of birth, as per Clause B(1)(a) of Implementation Instruction No.76.
17. In the present case, the petitioner's date of birth stood recorded as 07.11.1954 in the service records from the inception of service. The petitioner continued in service on the basis of the said entry. More



importantly, in the earlier round of litigation, this Court directed adjudication by the Age Determination Committee, which has not been objected by the petitioner. The Committee, after considering the materials placed before it, rejected the claim and affirmed the recorded date of birth. The petitioner has failed to demonstrate that the decision-making process adopted by the Committee suffered from perversity, mala fides or violation of any mandatory statutory provision warranting interference under Article 226 of the Constitution of India.

18. Though reliance has been placed upon educational certificates, the dispute sought to be raised pertains to alteration of a long-standing entry in service records after decades of service. The settled principles laid down by the Hon'ble Supreme Court clearly discourage such interference, particularly when the employee had accepted the service entry for a substantial period and the competent authority has already adjudicated upon the issue.
19. Way back in the year 2000, in the matter of **G.M., Bharat Coking Coal Ltd., West Bengal Vs. Shib Kumar Dushad and others**, 2000 (8) SCC 696, their Lordships of the Supreme Court held that once enquiry is made by the age determination committee following the procedure laid down in Implementation Instruction No.76 then the scope of interference by the writ court is quite limited and the High Court should not interfere with the date of birth as determined by the employer/SECL and issue a writ of mandamus i.e. claimed by the employee. Paragraphs 17, 18, 19, 20 and 24 of the report read as follows:-



"17. The date of birth of an employee is not only important for employee but for the employer also. On the length of service put in by the employee depends the quantum of retiral benefits he would be entitled to. Therefore, while determining the dispute in such matters courts should bear in mind that a change of the date of birth long after joining service, particularly when the employee is due to retire shortly, will upset the date recorded in the service records maintained in due course of administration should not generally be accepted. In such a case the burden is heavy on the employee who comes to the court with the case that the date of birth in the service record maintained by the employer is untrue and incorrect. The burden can be discharged only by producing acceptable evidence of a clinching nature. We are constrained to make this observation as we find that in a large number of cases employees who are on the verge of retirement raise a dispute regarding correctness of the date of birth entered in the service record and the courts are inclined to pass an interim order for continuance of such employee beyond the date of superannuation on the basis of the entry of date of birth in the service record. Such a situation cannot be commended for the reason that the court in passing such an interim order grants a relief to the employee even before determining the issue regarding correctness of the date of birth entered in the service record. Such interim orders create various complications. Anticipated vacancy for which the employee next in the line has been waiting does not materialise, on account of which the junior is denied promotion which he has all along been led to



believe will be his due on the retirement of the senior.

18. At this stage we may take note of certain instructions which were issued by the appellant laying down the procedure for determination/modification of date of birth of employee. The document is styled as:

"Implementation Instruction No.76
Procedure for Determination Verification of
Age of Employees".

19. Its authenticity is not disputed by the parties. Indeed the respondent employee has filed this document as Annexure R-7 to the counter-affidavit filed in this court. Under para 'A' the manner of determination of age at the time of appointment is laid down. Under para 'B' are laid down the procedures to be followed in cases of determination of date of birth in respect of existing employees. Under sub-para (i) of para 'B' the case of the existing employee having a Matriculation Certificate or Higher Secondary Certificate issued by the recognised University or Board or Middle Form Certificate issued by the Board of Education and/or Department of Public Instruction should be treated as the correct date of birth provided the documents are issued by the University/Board prior to the date of the employment. Under sub-para (i) (b) of para 'B' it is provided that mining sirdarship, wind up engine or similar other statutory certificate where the Manager had to certify the date of birth will be treated as authentic. Provided that where both the documents mentioned in (i)(a) and (i)(b) above are available the date of birth in (i)(a) will be treated as authentic. In clause (ii) of para 'B' it



is specifically stated that wherever there is no variation in records such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management, after being satisfied on the merit of the case will take appropriate steps for corrections through the Age Determination Committee/Medical Board. In 'C. 'D' and 'E' the procedures to be followed by the Age Determination Committee/Medical Board for determination of age of an employee are laid down. The provisions read as follows:

"(C) Age Determination Committee/Medical Board for the above will be constituted by the management. In the case of employees whose date of birth cannot be determined in accordance with the procedure mentioned in (B)(i)(a) or (B) (i)(b) above, the date of birth recorded in the records of the Company, namely, Form 'B' register, CMPF Record and Identity Cards (untampered) will be treated as final, provided that where there is a nomination in the age recorded in the records mentioned above, the matter will be referred to the Age Determination Committee/Medical Board constituted by the management for determination of age.

(D) Age determination: by the Age Determination Committee/Medical Board referred to above may consider their evidence available with the colliery management; and/or

(E) Medical Board constituted for determination of age will be required to



manage (sic assess) the age in accordance with the requirement of medical jurisprudence and the Medical Board will as far as possible indicate the accurate age assessed and not approximately.

20. From the provisions in the instructions referred to above, it is clear that in case of dispute over the date of birth of an existing employee who has neither a Matriculation Certificate/Secondary School Certificate nor a statutory certificate in which the Manager has certified the entry regarding the date of birth to be authentic the employer is to refer the matter to the Medical Board. Therefore, no fault can be found with the action taken by the appellant to refer the case of the respondent to Medical Board. The Medical Board as laid down in the instructions is to consider the matter on the evidence available with the colliery management and in accordance with the requirement of medical jurisprudence. As noted earlier, in the present case the Medical Board determined the age of the respondent to be 52 years in 1988 and the employer (appellant) accepted such determination. In the circumstances there was hardly any scope for the High Court to interfere with the date of birth as determined by the employer (appellant herein) and issue a writ of Mandamus that the date as claimed by the employee (the respondent herein) should be accepted.

24. On the analysis and the discussions in the foregoing paragraphs, we have no hesitation to hold that the High Court erred in interfering with the date of birth/age of the respondent as



determined by the appellant. Accordingly, the appeal is allowed. The judgment of the Single Judge in Writ Petition No.2717 of 1994 and the judgment of the Division Bench, confirming the judgment of the Single Judge with a modification, are set aside. Writ petition stands dismissed...."

20. In the case of **Bharat Coking Coal Ltd. and Others v. Shyam Kishore Singh**, (2020) 3 SCC 411, the Hon'ble Supreme Court has held that:-

"10. This Court in fact has also held that even if there is good evidence to establish that the recorded date of birth is erroneous, the correction cannot be claimed as a matter of right. In that regard, in *State of M.P. v. Premlal Shrivastava*, 2011 (9) SCC 664, it is held as hereunder: (SCC pp. 667 & 669, paras 8 & 12)

"8. It needs to be emphasised that in matters involving correction of date of birth of a government servant, particularly on the eve 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*).

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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 recording of his date of birth in the service book.”

21. Reverting to the facts of the present case, it is quite vivid that the petitioner is challenging the finding of the Age Determination Committee dated 12.07.2014, which are the questions of fact. Though the petitioner brought matriculation certificate on record, but the said matriculation certificate was issued after his entry in service i.e. in the year 1988, which cannot be considered as provided under Clause B(1)(a) of Implementation Instruction No.76. The petitioner failed to produce any clinching evidence in support of his claim, which requires consideration by the authorities for correction of his date of birth. In view of the evidence available in Form-B register maintained under Section 48 of the Mines Act, 1952, this Court is unable to interfere with the decision taken by the committee duly accepted by the employer SECL. Though the document reflected that the petitioner requested for correction of his date of birth in the year 1987, but he filed his first writ petition in the year 2005, which has been withdrawn by him with liberty to approach before the Age Determination Committee and ultimately the Age Determination Committee has affirmed the date of birth recorded in service record as 07.11.1954. the correction of date of birth cannot be claimed as a matter of right, even if sufficient material is available to show that the recorded date of birth is erroneous as has been held in the case of **Premal Shriwas** and **Shyam Kishore Singh** (supra).
22. In view of the aforesaid discussion and the principles laid down by the Hon'ble Supreme Court in **Shib Kumar Dushad**, **Premal Shrivass** and **Shyam Kishore Singh** (supra), this Court is of the



considered opinion that no case for interference with the impugned order dated 12.07.2014 passed by the Age Determination Committee or the consequential communication dated 22.05.2014 is made out by the petitioner for correction of his date of birth in his service record.

23. Accordingly, the writ petition deserves to be and is hereby **dismissed**.
24. No order as to costs.
25. Pending interlocutory applications, if any, shall also stand disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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