



2026:CGHC:23916-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 465 of 2026

The Municipal Corporation Risali Distt. Durg, Chhattisgarh, Through The Commissioner, The Municipal Corporation Risali, Bhilai, Dist. Durg (C.G.).

... Appellant

versus

1 - State of Chhattisgarh Through The Secretary, Department of Urban Administration And Development, Mahanadi Bhawan, Post Office, Mantralaya, PS Rakhi, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - The Municipal Corporation Bhilai Distt. Durg, C.G. Through The Commissioner, The Municipal Corporation Bhilai, Distt. Durg (C.G.)

3 - The Additional Commissioner, Municipal Corporation Bhilai Dist. Durg, Chhattisgarh

4 - Shatrughan Lal Nayak S/o Chowa Ram Nayak, Aged About 61 Years R/o Village Pander, Post Office And Tahsil Patan, Dist. Durg, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. N. Naha Roy, Advocate
For Respondent-State	:	Mr. Prasun Kumar Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

1. Heard Mr. N. Naha Roy, learned counsel for the appellant. Also heard Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State.



2. By filing the present writ appeal, the appellant has called in question the legality, validity and correctness of the judgment and order dated 30.10.2025 passed by the learned Single Judge in W.P.(S) No. 3057/2023, as well as the order dated 16.03.2026 passed in Review Petition No. 55/2026, contending that the said orders have been passed without proper consideration of the material facts on record and are contrary to the settled principles of law. The appellant, therefore, seeks setting aside of the impugned orders and grant of appropriate relief in accordance with law.
3. Brief facts of the case before the learned Single Judge, in nutshell, are that respondent No.4/writ petitioner, who was serving as an Assistant Pump Operator under the appellant-Municipal Corporation, Risali, challenged the communication dated 08.06.2022 whereby he was informed that he would retire from service on 31.01.2023 on attaining the age of 62 years, his date of birth being treated as 18.01.1961. The respondent No.4/writ petitioner asserted that his correct date of birth is 18.08.1961 and relied upon his Higher Secondary Examination mark-sheet, training certificate and departmental seniority list wherein the said date of birth was recorded. It was further contended that despite submission of a representation seeking correction of the date of birth and verification of his service records, the authorities failed to rectify the alleged discrepancy and passed the order dated 23.01.2023 retiring him from service with effect from 31.01.2023.



4. Aggrieved by the said action, respondent No.4/writ petitioner preferred the writ petition seeking quashment of the retirement order and grant of consequential service benefits being WPS No.3057/2023, which was allowed by the learned Single Judge vide order dated 30.10.2025.
5. Feeling dissatisfied with the aforesaid order dated 30.10.2025 passed in W.P.(S) No. 3057/2023, the appellant/Municipal Corporation, Risali preferred a review petition being Review Petition No. 55/2026 seeking review of the said judgment. However, upon consideration of the grounds urged therein, the learned Single Judge dismissed the review petition vide order dated 16.03.2026.
6. Aggrieved by the judgment dated 30.10.2025 as well as the order dated 16.03.2026 passed in the review petition, the appellant has preferred the present writ appeal.
7. Learned counsel for the appellant/Municipal Corporation, Risali submits that the learned Single Judge has erred in allowing the writ petition by ignoring the settled principles governing correction of date of birth in service records. It is contended that the respondent No.4/writ petitioner sought correction of his date of birth at the fag end of his service career and that the competent authority had already rejected his claim for correction of date of birth vide order dated 20.01.2023. According to learned counsel, the said order had a direct bearing on the controversy involved;



however, since the appellant was not represented in the writ proceedings, the same could not be brought to the notice of the learned Single Judge. It is submitted that this aspect was specifically highlighted in the review petition, but the same was not properly considered while dismissing the review petition.

8. Learned counsel further submits that the respondent No.4/writ petitioner was never an employee of the appellant Corporation and continued to be an employee of respondent No.2 throughout his service tenure, there being no order of absorption in favour of the appellant Corporation. It is argued that even the order of retirement under challenge was passed by respondent No.2 and, therefore, the learned Single Judge committed a manifest error in fastening liability upon the appellant Corporation for payment of retiral and other consequential benefits.
9. It is also submitted that the directions issued by the learned Single Judge are legally unsustainable inasmuch as the respondent No.4/writ petitioner had admittedly not worked under the appellant Corporation after his retirement and had, in any case, already crossed the age of superannuation even according to his claimed date of birth. Learned counsel contends that in such circumstances there was no justification for directing reinstatement or payment of monetary benefits with interest by the appellant Corporation. It is, therefore, submitted that the impugned orders dated 30.10.2025 and 16.03.2026 suffer from patent legal infirmities and deserve to be set aside.



- 10.** On the other hand, learned State counsel supports the impugned orders passed by the learned Single Judge and submits that the respondent No.4/writ petitioner had produced sufficient documentary material, including educational certificates and departmental records, consistently reflecting his date of birth as 18.08.1961. It is contended that upon due consideration of the material available on record, the learned Single Judge rightly granted relief in favour of the respondent No.4/writ petitioner and no ground is made out for interference in the impugned orders in exercise of appellate jurisdiction. Learned State counsel, therefore, submits that the present writ appeal, being devoid of merit, deserves to be dismissed.
- 11.** We have heard learned counsel appearing for the parties and have carefully considered their rival submissions. We have also perused the records of the case, including the judgment and order dated 30.10.2025 passed by the learned Single Judge in W.P.(S) No. 3057/2023 and the order dated 16.03.2026 passed in Review Petition No. 55/2026 impugned in the present writ appeal.
- 12.** After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“7. Upon a thorough examination of the evidence placed on record, it is clearly established that the correct date of birth of the petitioner is 18.08.1961, as duly recorded in



Annexure P/5, the Higher Secondary School Certificate Examination, 1980, issued by the Board of Secondary Education, Madhya Pradesh, Bhopal. Further, it is evident that the petitioner initially entered into service under the Municipal Corporation, Bhilai, and as reflected in the Gradation List (Annexure P/7), the petitioner's name appears at serial no. 34, wherein his date of birth is correctly mentioned as 18.08.1961. Upon the constitution of the Municipal Corporation, Risali, the services of the petitioner were transferred from the Municipal Corporation, Bhilai, to the newly formed Municipal Corporation, Risali. The documentary evidence on record, therefore, unequivocally establishes that the entry of the date of birth as 18.01.1961 in the petitioner's service book is the result of a clerical or typographical error.

8. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner's date of birth has been erroneously recorded as 18.01.1961, and the same deserves to be corrected to 18.08.1961. Consequently, the premature retirement of the petitioner on the basis of the incorrect date of birth is held to be illegal and arbitrary. Therefore, the respondent no. 3 – Municipal Corporation, Risali is, therefore, directed to rectify the petitioner's date of birth in all relevant service records as 18.08.1961 and to extend to him all consequential service benefits, including reinstatement, arrears of



salary, and other admissible dues from the month of February, 2023 to August, 2023, along with interest @ 6% per annum on all the monetary benefits payable to him. The entire exercise shall be completed within a period of 45 days from the date of receipt of a copy of this order.

9. Consequently, this petition is allowed with the aforesaid observation(s) and direction(s)."

- 13.** Feeling aggrieved by the judgment and order dated 30.10.2025 passed in W.P.(S) No. 3057/2023, the appellant/Municipal Corporation, Risali preferred Review Petition No. 55/2026 seeking review thereof on the grounds that respondent No.4/writ petitioner was never absorbed in the services of the appellant Corporation, that the liability for payment of salary and consequential benefits had been erroneously fastened upon the appellant, and that the order dated 20.01.2023 rejecting the claim for correction of date of birth could not be brought on record during the writ proceedings. The learned Single Judge, however, dismissed the review petition vide order dated 16.03.2026, holding that the grounds urged by the appellant did not disclose any error apparent on the face of the record warranting exercise of review jurisdiction. The learned Single Judge further observed that the issues sought to be raised in the review petition essentially pertained to the merits of the controversy and amounted to seeking a re-appreciation of matters already considered and adjudicated in the writ petition, which is impermissible in review jurisdiction. It was also held that the



appellant had failed to demonstrate that the document sought to be relied upon could not have been produced earlier despite due diligence and, therefore, no ground for review was made out. Accordingly, the review petition was dismissed as being devoid of merit.

- 14.** In view of the aforesaid factual matrix and upon careful consideration of the rival submissions advanced on behalf of the parties, this Court is of the considered opinion that no interference is warranted in the impugned judgment and order dated 30.10.2025 passed by the learned Single Judge in W.P.(S) No. 3057/2023, as well as the order dated 16.03.2026 passed in Review Petition No. 55/2026. The learned Single Judge has, on the basis of cogent documentary evidence available on record, returned a categorical finding that the correct date of birth of respondent No.4/writ petitioner is 18.08.1961 and that the entry in the service records showing the date of birth as 18.01.1961 was merely a clerical/typographical error. The said finding is essentially one of fact, based on appreciation of educational certificates, service records and other contemporaneous documents, which does not suffer from any perversity or illegality warranting interference in intra-court appeal jurisdiction.
- 15.** This Court further finds that the contention raised by the appellant that the writ petitioner was not an employee of the appellant Corporation, or that liability has been wrongly fastened upon it,



does not merit acceptance in the present proceedings. The learned Single Judge, upon due consideration of the service history and transfer of services from Municipal Corporation, Bhilai to Municipal Corporation, Risali, has recorded findings which have not been shown to be either contrary to record or legally unsustainable. Such factual determinations cannot be reopened in appeal in absence of any manifest error or jurisdictional infirmity.

16. Likewise, the submission with regard to the alleged order dated 20.01.2023 rejecting correction of date of birth, which was not produced during the writ proceedings, also does not advance the case of the appellant. The learned Single Judge, while deciding the review petition, has rightly held that the scope of review is limited and the said document was neither shown to have been unavailable despite due diligence nor was it sufficient to constitute an error apparent on the face of record. It is well settled that review jurisdiction cannot be used as a substitute for appeal or for filling up lacunae in the case.
17. The law relating to correction of date of birth in service jurisprudence is also well settled, namely that such correction cannot be permitted at the fag end of service unless supported by unimpeachable contemporaneous records. In the present case, however, the learned Single Judge has returned a finding, based on material evidence, that the recorded entry itself was erroneous and contrary to official records including educational certificates



and gradation list. Such a finding, being factual and reasoned, cannot be said to be perverse or suffering from any error apparent on the face of record.

18. In the totality of facts and circumstances, this Court is of the view that the learned Single Judge has exercised jurisdiction in a proper and judicious manner and has granted relief to the respondent No.4/writ petitioner after due appreciation of material on record. No jurisdictional error, perversity, or illegality has been demonstrated warranting interference by this Court in exercise of appellate jurisdiction.
19. Consequently, the writ appeal, being devoid of merit, fails and is hereby **dismissed**. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice