

GAHC010203602016



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2545/2016

SARBESWAR KONWAR
S/O SRI JYOGEDHAR KONWAR, R/O BELIMUKHIA CHANGMAIGAON, P.O.
NAMTI PATHAR, DIST- SIBASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
P.W.D.ROAD, DISPUR, GHY-6

2:THE CHIEF ENGINEER
PWD ROAD
ASSAM
CHANDMARI
GHY-3

3:THE EXECUTIVE ENGINEER
SIBASAGAR STATE ROAD DIVISION
PWDROAD
NAZIRA
P.O. NAZIRA
DIST- SIBASAGAR
ASSA

Advocate for the Petitioner : MR.K M HALOI, MR.A K DEKA

Advocate for the Respondent : SC, PWD, SC, AG

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : --11.12 .2025

Mr. R. Dhar, learned Standing Counsel for the PWD Department, submits that, on instructions, the date of birth of the petitioner was recorded as 01.05.1956 and it is this date of birth that was reckoned for the purpose of regularization of the petitioner's services. He submits that if the date of birth now projected by the petitioner is taken into account, the petitioner, at the time of his initial engagement as a Muster Roll Worker on 03.01.1984, would have been around 14 years old, which is not permissible. He submits that after the regularization of the petitioner's services, the jurisdictional Executive Engineer opened the petitioner's service book and recorded his date of birth, therein, as 31.12.1969.

2. The learned counsel for the petitioner has submitted that the date 31.12.1969, recorded as his date of birth in the service book, is based on a school certificate. On a query by this Court, the learned counsel for the petitioner has submitted that no material has been brought on record to demonstrate that the petitioner approached the authorities for correction of his date of birth. He submits that there was no occasion for the petitioner to prefer

any such application, inasmuch as the respondent authorities had accepted his date of birth as 31.12.1969.

3. Mr. Dhar, learned counsel for the petitioner, submits that if the date of birth of the petitioner is recorded as 31.12.1969, based on the school certificates, the same cannot be relied upon, as the school certificate produced by the petitioner in the present proceedings has not been verified by the District Magistrate/SDM.

4. Mr. Dhar, learned counsel for the petitioner, in the above premises, submits that he will obtain updated instructions and ascertain the basis on which the petitioner's date of birth was recorded as 01.05.1956 in the proposal submitted for regularization of his services. He prays that the matter be listed after the ensuing winter vacation.

5. Registry is directed to list this matter again on 21.01.2026, as a part heard item.

JUDGE

Comparing Assistant