



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 471 of 2024
Decided on : 08.05.2026

Raj Kumari

...Petitioner

Versus

The Principal Secretary, Department of Education and
others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ Yes

For the petitioner : Ms. Tim Saran, Advocate.

For the respondents : Mr. Rajpal Thakur, Additional
Advocate General.

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

"i) Issue a writ of certiorari to quash Annexure P-3 i.e. impugned office order dated 30-12-2023.

ii) The respondents be directed to decide the representation (Annexure P-2) in a time bound manner.

¹Whether reporters of the local papers may be allowed to see the judgment?



lii) That the respondents may kindly be directed to reinstate the petitioner to her present place of posting and further the service of the petitioner may be continued till she attains the age of superannuation.

iv) That the respondents may be directed to grant consequential service benefits to the petitioner for entire service career.”

2. The case of the petitioner is that she was offered appointment as a Water Carrier in Rajkiya Primary School Pohnaj in the year 2006. However, on account of litigation filed by one Mr. Rakesh Kumar against the appointment of the petitioner, the appointment was ultimately offered to her with effect from 12.05.2015 after the dismissal of the writ petition filed by Mr. Rakesh Kumar. She served as such till 21.03.2022, when her services were converted as a Water Carrier-cum-Peon on daily wage basis.

3. According to the petitioner, her date of birth was incorrectly recorded in the record of the Department. Learned counsel for the petitioner submitted that as per the records of the Department, the date of birth of the petitioner was entered as 20.12.1965, whereas, her actual date of birth is 01.07.1967.



Learned counsel further submitted that when the petitioner realized the discrepancy in the records of the Department, she immediately made a representation to the Authorities, but in terms of Annexure P-3, the petitioner has been superannuated on attaining the age of 58 years on 31.12.2023. Learned counsel further argued that as there was a mistake committed while recording the date of birth of the petitioner in the service record, the act of the respondents of not rectifying the same, is not sustainable in the eyes of law. She further submitted that the Authorities ignored the fact that the petitioner is a rustic, illiterate lady and, therefore also, sympathetic consideration should have been given to the petitioner by the Authorities. No other point was urged.

4. On the other hand, learned Additional Advocate General by referring to the reply submitted that the representation filed by the petitioner was rejected by the Deputy Director on 30.12.2023 by passing a reasoned order. Further, in light of the fact that the petitioner was serving with the Department since 2015, she should have approached the Authorities for the correction in the date of birth within two years



from the date of entry of age in the service record, as per Rule 7.1 of HPFR Volume-I, 1971. However, the petitioner approached the Authorities for change in the date of birth in terms of Annexure P-2 on 28.11.2023, which was at a belated stage and well beyond the prescribed two years. Accordingly, he submitted that as there is no merit in the petition, the same is liable to be dismissed.

5. Having heard learned counsel for the parties and having perused the pleadings as well as record of the case, this Court is of the considered view that no relief can be granted to the petitioner.

6. It is the own case of the petitioner that she was appointed as a Water Carrier in the school concerned with effect from 12.05.2015. Obviously, the date of birth which was entered in the service record of the petitioner was on the basis of holding out made by the petitioner. Nothing prevented the petitioner from approaching the Authorities for correction thereof within two years in terms of Rule 7.1 of HPFR Volume-I, 1971, in terms whereof, the declaration made qua the date of birth for the purpose of entry into government service shall as



against the government servant in question, be deemed to be conclusive, unless the government servant applies for correction of the age as recorded within two years from the date of entry into government service.

7. Herein, the petitioner neither approached the Authorities within the prescribed two years nor within some reasonable time thereafter. Annexure P2, which is the representation filed by the petitioner, is dated 28.11.2023, meaning thereby, that this application was filed when the petitioner was almost 57 years and 11 months old and on the verge of superannuation.

8. The contention of the learned counsel that because the petitioner is a rustic, illiterate lady, therefore, she was not aware about the nuances of law, cannot be accepted by the Court for the reason that it is settled law that employee cannot approach the Authority for change in the date of birth at the fag end of the service career. In this case, the petition has been filed by the petitioner after her retirement.

9. Therefore, as the petitioner did not approach the Authorities for the correction of the date of birth in her service



record within two years of joining of the government service and as she approached them at the fag end of her service career, this Court does not find any infirmity in the act of the Department of not acceding to her request and rectifying the date of birth mentioned in the service record.

10. Accordingly, this petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

May 08, 2026
(Shivank Thakur)