

A

UNION OF INDIA & ORS.

v.

MRS. SAROJ BALA

DECEMBER 13, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Service Law :

C *Date of Birth—Correction of—Application for—Filed after 18-1/2 years—Central Administrative Tribunal directed correction of date of birth—Held : It was unthinkable that having remained in service for 18 years the applicant discovered that her date of birth was wrong—In the circumstances of the case, the Tribunal was wholly unjustified in directing correction of date of birth.*

D

The respondent had appeared for All India Civil Services Examination wherein she had annexed her school record in which her date of birth was recorded as April 4, 1949. On the basis of the selection in the competitive examination, she was selected for All India Revenue Service (Income-Tax). She approached the University for correction of her date of birth to be April 5, 1950. The University had rejected the same. The respondent then filed an application for correction of the date of birth which was rejected by the Government. Thereafter, the respondent filed a petition in the Central Administrative Tribunal for correction of her date of birth. The Tribunal allowed the petition. Aggrieved by the Tribunal's judgment the appellants preferred the present appeal.

F

Allowing the appeal, this Court

G **HELD :** 1.1. The respondent's parents are not illiterate. She is well educated. She competed in All India Civil Services Examination. Her date of birth was registered in the University to be April 4, 1949. On that basis, she appeared for the examination and she was selected. The said date has been entered in the service record and remained undisputed for 18-1/2 years. [658-C]

H 1.2. It is unthinkable that having been born in an educated family and having remained in service for 18 years she discovered that her date

of birth would be wrong. Under these circumstances, the Tribunal was wholly unjustified and obviously illegal in allowing the application and directing correction of the date of birth. [658-D] A

CIVIL APPELLATE JURISDICTION : Civil appeal No. 12073 of 1995. B

From the Judgment and Order dated 6.1.92 of the Central Administrative Tribunal, Chandigarh Bench in O.A. No. 1043-CH of 1991.

K. Lahiri, P. Parmeshwaran, T.V. Ratnam and S.N. Terdol for the Appellants. C

R.S. Suri for the Respondents.

The following Order of the Court was delivered :

Leave granted. D

We have heard the counsel for both the parties. The respondent has appeared in the year 1971 for the All India Civil Services Examination wherein she had annexed her school record in which her date of birth was recorded as April 4, 1949. On the basis of the selection in the competitive examination, she was selected for All India Revenue Service (income-Tax) in the year 1972 and she joined the service in the said year, On June 18, 1985, she approached the University for correction of her date of birth to be April 5, 1950. The University by its proceedings dated October 13, 1986 had rejected the same. The respondent then filed an application on February 5, 1991 for correction of the date of birth which was rejected by the Government on April 4, 1991. Thereafter the respondent filed O.A. in the Central Administrative Tribunal, Chandigarh. By the impugned order dated 6.1.1992, the Tribunal held that the date of birth of the respondent is April 5, 1950 and directed correction of her date of birth in the service record within the time specified in the order. Thus this appeal by special leave. E F G

Shri R.S. Suri, the learned counsel appearing for the respondent, contended that the birth certificate given by the Registrar do indicate that her date of birth is April 5, 1950 and that the mother had filed an affidavit in support thereof. It is also sought corroboration from the date of birth certificate of her elder sister and due to close proximity of six months H

A between the birth of two children, it would not be possible that the respondent would have been born. He also relied upon the horoscope to prove her date of birth.

B We are wholly unable to appreciate the stand of the respondent. The respondent's parents are not illiterate. She is a well educated one she competed in All India Civil Services Examination. Her date of birth was registered in the University to be April 4, 1949. On that basis, she appeared for the examination, sought selection and accordingly she was selected. The said date has been entered in the service record and remained undisputed for 18-1/2 years. Subsequently it appears that she discovered in a talk with
C her sister that her date of birth is incorrect. Then enquiries were made and birth certificate obtained which mentioned the birth of the child and the parentage of the respondent. Horoscope was also sought to be set up to corroborate those circumstances.

D It is unthinkable that having been born in an educated family and having remained in service for 18 years she discovered that her date of birth would be wrong. Under these circumstances, the Tribunal was wholly unjustified and obviously illegal in allowing the application and directing correction of the date of birth. Though Mr. Suri sought to bring to our notice that she made her representation in the year 1981, it is of little
E importance for disposal of the matter on merits.

The order of the tribunal is set aside. The Appeal is allowed. No costs.

V.S.S.

Appeal allowed.