

Union of India and Others

Vs

Saroj Bala (Mrs)

Civil Appeal No. 12073 Of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

13.12.1995

ORDER

1. Leave granted.

2. We have heard the counsel for both the parties. The respondent had appeared in the year 1971 for All India Civil Services Examination wherein she had annexed her school record in which her date of birth was recorded as 4-4-1949. 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 18-6-1985, she approached the University for correction of her date of birth to be 5-4-1950. The University by its proceedings dated 13-10-1986 had rejected the same. The respondent then filed an application on 5-2-1991 for correction of the date of birth which was rejected by the Government on 4-4-1991. Thereafter the respondent filed an OA 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 5-4-1950 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.

3. 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 5-4-1950 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 between the birth of two children, it would not be possible that the respondent would have been born. He also relied upon the horoscope prepared to prove her date of birth.

4. 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 4-4-1949. On the 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 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.

5. 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 is 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 importance for disposal of the matter on merits.

6. The order of the Tribunal is set aside. The appeal is allowed. No costs.