



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

WRIT PETITION No.41491 of 2024

MUNNALAL YADAV

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Amit Lahoti and Shri Brajesh Kumar Tyagi- Advocates for petitioner.

Shri Ravindra Dixit- Government Advocate for respondent/State.

Reserved on : 09/01/2025

Pronounced on : 21/01/2025

ORDER

This petition, under Article 226 of the Constitution of India, has been filed seeking following reliefs:-

- i) That, the order dated 22.11.2024 (Annexure P/1) passed by respondent no. 4 may kindly be quashed.
- ii) That, the respondent department may kindly be directed to reinstate the petitioner back in service along with the consequential benefits and arrears of salary.



iii) That, petitioner may be allowed to render his services on the current post till his date of retirement which is 31.07.2027 as per the official records.

iv) That, any other suitable direction which this Hon'ble Court deems fit in the facts and circumstances of the case may kindly be passed.

2. It is submitted by counsel for petitioner that petitioner has been prematurely retired by holding that he has attained the age of superannuation on 31/7/2024. However, in fact, the correct date of birth of petitioner is 10/7/1965. It is submitted that after retirement, petitioner made a representation to the respondents that petitioner has been retired in spite of the fact that in a letter dated 30/7/2024, information was given to the Chief Executive Officer, Zila Panchayat, Morena (M.P.), that the date of birth of petitioner is 10/7/1965. Therefore, he should have been retired on 31/7/2027, and accordingly, it was prayed that petitioner should be informed that on what basis he has been retired with effect from 31/7/2024.

3. It is submitted that petitioner also informed the department that his mark-sheets of Classes 5th, 8th, and 10th were misplaced from a photocopy shop sometime in the month of April, 2024, and the same could not be relocated. It is submitted that in the assessment form, petitioner had wrongly mentioned his date of birth as 10/7/1962, whereas his correct date of birth is 10/7/1965. Some employee of Janpad Panchayat had deliberately forwarded the assessment form, which was incorrectly filled by petitioner mentioning his date of birth as 10/7/1962, whereas the correct date of birth of petitioner is 10/7/1965. To support his contention, petitioner has annexed a copy of the voter ID and Aadhar Card.

4. It is submitted that petitioner has filed a copy of Aadhaar card as well as



voter card, which shows that his date of birth is 10/7/1965. It is further submitted that petitioner has also obtained a birth certificate to show his date of birth as 10/7/1965. A photocopy of the birth certificate was provided to the Court, which is taken on record.

5. Considered the submissions made by counsel for petitioner.
6. So far as Aadhaar card is concerned, it is not a document of age. The Supreme Court, in the case of **Saroj & Others vs. Iffco-Tokio General Insurance Co. & Ors decided by order dated 24/10/2024 passed in SLP (C) Number 23939-23940 of 2023**, has held that it is not a document of age but it is a document of identity. So far as PAN card is concerned, the same analogy would apply. Therefore, neither Aadhaar card nor PAN card can be taken into consideration for ascertaining his date of birth as 10/7/1965.
7. During the course of arguments, petitioner has provided a copy of birth certificate to show that the date of birth is 10/7/1965. This certificate was issued on 30/10/2015. The petitioner has not filed the extract of Kotwari book to show that he was born on 10/7/1965. Therefore, the birth certificate relied upon by petitioner during the course of hearing can also not be considered.
8. There is a very surprising aspect of the matter. The service book of petitioner was destroyed in a fire that took place in the office. Petitioner lost his mark-sheets of Class 5th, 8th, and 10th sometime in the month of April, 2024. Whether it is a coincidence or it is a deliberate suppression on the part of the petitioner is not known. But one thing is clear from his representation dated 14/11/2024 filed as Annexure P-4, that it was petitioner himself who disclosed his date of birth as 10/7/1962 in the assessment form of the year 2021–2022.
9. How a person can fill up a wrong date of birth merely by alleging that he was overburdened?



10. Be that whatever it may be.
11. Petitioner has been retired on his own declaration, and in absence of any document to show that the date of birth of petitioner is 10/7/1965, no case is made out warranting interference. Even otherwise, it is well-established principle of law that a challenge to the date of birth at the fag end of service is not maintainable.
12. Accordingly, petition fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge

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