

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 669 of 2023

Pradip Kumar Modak, S/o Shri Ratan Modak, R/o Village-Aralgaria,
PO-Kusunda, PS-Pootki, District-Dhanbad

... .. Appellant

Versus

1. M/s. Bharat Coking Coal Ltd., Koyala Nagar, Dhanbad, through its
Managing Director
2. The Personnel Manager, M/s. Bharat Coking Coal Ltd., Koyala
Nagar, Dhanbad
3. The Chief General Manager, M/s. Bharat Coking Coal Ltd.,
Pootkee Bahihari Area, PO-Kusunda, PS-Pootkee, District-
Dhanbad
4. The Project Officer, M/s. Bharat Coking Coal Ltd., P.B. Project
Colliery, 5/7 Pit, S.B. Colliery, Pootkee, PO-Kusunda, PS-Pootkee,
District-Dhanbad

... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	: Mr. Tejo Mistry, Advocate
For the Respondents	: Mr. Ankit Vishal, Advocate

Order No. 07

Dated: 09.07.2026

1. Heard Mr Tejo Mistry for the appellant and Mr Ankit Vishal for
the respondents.
2. The office objection is waived. The delay of 8 days, if any, in
filing this appeal is hereby condoned.
3. With consent of learned counsel for the parties, this appeal is
heard finally.
4. The appellant challenges the learned Single Judge's order
dated 12.10.2023 dismissing his W.P.(S) No. 1737 of 2020.
5. The appellant, after 27 years from his appointment and when
he was at the fag end of his service, applied for change of his
date of birth recorded in his service records from 06.01.1966
to 09.02.1969.

- 6.** Since the appellant's application was not considered, he instituted W.P.(S) No. 1737 of 2020, which has since been dismissed by the learned Single Judge by passing the impugned order.
- 7.** Mr Tejo Mistry, the learned counsel for the appellant, submits that in the service records, the appellant stated that he was 24 years as on 06.01.1990, which would mean that his date of birth was 06.01.1966, but the appellant also furnished his matriculation certificate, which showed his date of birth as 09.02.1969. He submitted that, since this was, at most, an ambiguity, the appellant should have been allowed to clarify it. Furthermore, since the clarification furnished was based on impeccable documents, the same should have been accepted by the respondents. Mr Tejo Mistry submitted that the decisions relied upon in the impugned order were distinguishable, and, based thereon, the appellant's W.P.(S) No. 1737 of 2020 could not have been dismissed.
- 8.** Mr. Ankit Vishal, learned counsel for the respondents, defended the impugned order based on the reasoning reflected therein. He pointed out that an application for correction of the service records relating to the date of birth was made almost 27 years after the date of appointment and at the fag end of the appellant's service. He submitted that this is impermissible and the impugned order contains no errors whatsoever.
- 9.** The rival contentions now fall for our determination.
- 10.** Admittedly, the application for correction of service records in

relation to the date of birth was made for the first time almost 27 years after the date of appointment and at the stage when the appellant was at the fag end of his service.

11. The Hon'ble Supreme Court, in a series of decisions, including those referred to in the impugned order, has time and again held that a request for change of date of birth in the service records at the fag end of service is unsustainable. The Court has held that delay of over two decades in applying for correction of date of birth is *ex facie* fatal notwithstanding the fact that there was no specific rule or order, framed or made, prescribing the period within which such application would be filed.

12. In the case of **State of M.P. Vs. Premlal Shrivastava, (2011) 9 SCC 664**, the Hon'ble Supreme Court held that an application filed by an employee 25 years after his induction into service can, by no standards, be held to be reasonable. The Hon'ble Supreme Court held that there was no substance in the plea that the M.P. Financial Code had not prescribed any time limit within which such an application could be filed. The Hon'ble Supreme Court held that even in the absence of any such time limit being prescribed, such application for change of date of birth in the service records must be filed within a reasonable period. An application filed after more than two decades would never be regarded as one being filed within a reasonable period.

13. The contentions of Mr. Mistry, with respect, cannot be

accepted. The service register only indicates that the appellant had indicated his educational qualification as matriculate. There is no record of such certificate being produced at the time of induction into service.

- 14.** However, even if such certificates were produced, in the specific column dealing with date of birth, the appellant had indicated that he was 24 years as on 06.01.1990, meaning that his date of birth was 06.01.1966. The service register/form at the time of the appellant's induction into service bears his signature, and this is undeniable and has not even been denied. Therefore, even assuming that there was some ambiguity or error in the recording of the appellant's date of birth, the appellant should have applied for its correction within some reasonable period and not after 27 years from the date of induction into service.
- 15.** There is no error whatsoever in the learned Single Judge's impugned order dated 12.10.2023 as would warrant interference in this appeal. Consequently, this appeal is dismissed without any order for costs.
- 16.** I.A. No. 6447 of 2025 also stands disposed of accordingly.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

July 09, 2026
Manish/Ritesh

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