

**S.B. C. Writ Petition No. 4372/2010.
(Rash Bihari Singh Vs. Managing Director & ors.)**

Date of Order: 31/03/2010.

HON'BLE MR. MOHAMMAD RAFIQ,J.

Mr. Ram Rakh Sharma, for petitioner.

This writ petition has been filed by the petitioner at a time when he is retiring today i.e. 31.3.2010 with a prayer that the respondents be directed to treat his date of birth as 10.3.1952 and on that basis correct the entries in the service book.

The learned counsel argued that in Column No.3 of the service book in clause (2), his date of birth has been changed to 10.3.1950 but he submits that the petitioner submitted the Transfer Certificate issued by Head Master, District Education Kosh, Shahbad (Annex.1), and on that basis the necessary entries should be made in his service book.

I am afraid the writ petition filed at the instance of an employee, who is on the verge of retirement for change of date of birth, involving disputed questions of fact cannot be entertained by this Court. If at all, the petitioner is aggrieved, the appropriate remedy for him is to approach the civil court for determination of this question of fact as to whether 10.3.1950 or 10.3.1952 is his correct date of birth.

I, therefore, do not find any merit in the petition and the same is dismissed. However, the petitioner would be at liberty to approach the civil court.

(MOHAMMAD RAFIQ),J.

Gandhi/-P.A. Item no. 36