

**TITLE: UTTAR PRADESH RECRUITMENT TO SERVICES  
(DETERMINATION OF DATE OF BIRTH) RULES, 1974-  
EMPLOYEE'S D.O.B ENTERED AT THE TIME OF THE ENTRY IN  
THE SERVICE CAN'T BE CHANGED, IF HE HAD NOT CLEARED  
THE HIGH SCHOOL CERTIFICATE**

1. INTRODUCTION

- **Court:** Allahabad High Court
- **Judge:** Justice Ajit Kumar
- **Case:** Suresh Yadav v. State of U.P. (Neutral Citation: 2024: AHC:108904)
- **Advocate for Petitioner:** V.K. Singh
- **Standing Counsel for Respondent:** Dileep Kumar Srivastava

2. CASE FACTS AND FINDINGS:

a) **Background:**

- The petitioner was initially appointed as a daily wage peon and later regularized at the Town Area Committee.
- His salary was stopped, and his services were terminated due to discrepancies in his date of birth records.
- The termination was previously challenged and overturned in a writ petition, leading to his reinstatement.
- Despite reinstatement, the Chairman of the Nagar Panchayat withheld his salary due to discrepancies in his date of birth between his service book and his Life Insurance Corporation (LIC) policy.

b) **Court Findings:**

- The court found that the date of birth recorded at the time of entry into service cannot be changed for employees who have not passed the High School Certificate, according to the Uttar Pradesh Recruitment to Services (Determination of Date of Birth) Rules, 1974.
- The court held that maintaining accurate service book records is crucial as it forms part of the employment contract.
- The local bodies erred in retiring the petitioner earlier than the age recorded in the service book.
- Actions by authorities in service matters must be sound and reasoned, especially when the interests of employees are at stake.

- The court noted that the Chairman's order to retire the petitioner based on policy bond paper discrepancies, without holding an inquiry, was unwarranted.

### 3. ISSUES RAISED BY THE PARTIES:

#### a) **Petitioner:**

- Challenged the withholding of his salary and the discrepancies in his date of birth records.
- Argued that his retirement was premature and based on incorrect records.

#### b) **Respondent:**

- Withheld the petitioner's salary pending direction from the Director, Local Bodies due to discrepancies in the date of birth records.

### 4. PRECEDENTS USED FOR SUPPORT:

#### a) **Service Jurisprudence Principles:**

- Emphasized the importance of accurate service records and the contract of employment between employer and employee.

#### b) **Case Laws:**

- Various courts have held that actions by authorities in service matters must be reasoned and justified, particularly when employees' interests are involved.

### 5. LAWS AND ACTS USED IN THE CASE:

#### a) **Uttar Pradesh Recruitment to Services (Determination of Date of Birth) Rules, 1974:**

Specifies that the date of birth recorded at the time of entry into service for employees who have not passed the High School Certificate cannot be changed.

#### b) **Contract of Employment:**

The service book maintained by the employer is considered part of the employment contract, and any changes require proper procedures.

### 6. DECISIONS OF ALL COURTS INVOLVED:

#### a) **Previous Writ Petition:**

The petitioner's termination was previously challenged and overturned, leading to his reinstatement.

**b) Allahabad High Court:**

- Found that the local bodies were in error for retiring the petitioner prematurely based on discrepancies in date of birth records.
- Held that the petitioner's salary should not have been withheld without proper inquiry and reasoned order.
- Allowed the writ petition, directing the authorities to rectify the errors and ensure proper service conditions for the petitioner.

**7. CONCLUSIVE BRIEF OF THE DECISION OF THE ALLAHABAD HIGH COURT:**

The Allahabad High Court **allowed the writ petition**, emphasizing that the date of birth recorded at the time of entry into service is final for employees who have not passed the High School Certificate. The Court held that the authorities erred in prematurely retiring the petitioner based on discrepancies in date of birth records without proper inquiry. The withholding of the petitioner's salary without a reasoned order was deemed unjustified. The Court directed the authorities to rectify the service records and ensure that the petitioner's service conditions were not inferior to what they were entitled to, reaffirming the principles of sound and reasoned administrative actions in service matters.

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