

**Central Administrative Tribunal  
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/536/2020

Tuesday, this the 25<sup>th</sup> day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Dr. Bhagwan Sahai, Member (A)**

Mrs. Parveena Akhtar,  
Aged 49 years,  
D/o Late Ghulam Rasool Khan,  
R/o Saraibala-Amira Kadal,  
Chanapora, Srinagar.

**Applicant**

(By Advocate: Mr. Altaf Haqani)

**Versus**

1. Union Territory of J&K through its Commissioner/Secretary to Government, Industries and Commerce Department, Civil Secretariat, Srinagar/Jammu.
2. Director Handicraft, Kashmir, Srinagar.

**Respondents**

(By Advocate: Mr. Rajesh Thapa)

**ORDER (ORAL)**

**{As per Hon'ble Mr. Justice L.Narasimha Reddy, Chairman}**

The applicant states that she joined the service of the respondents organisation on 12.10.1989 on contract basis, as Instructor. It is stated that her services were regularized in the year 1992. According to the applicant, her date of birth was recorded in the Service Register as 01.07.1962, whereas her actual date of birth is 04.10.1971. She contends that the sole basis for the respondents to enter the date of birth as 01.07.1962, is an observation in the certificate issued in proof of her being a 'State subject' and the certificate that was issued by a Medical Officer at the time of her being employed was totally ignored. In this background, the relief in the form of a direction to the respondents to correct her date of birth as 04.10.1971, is claimed.

2. We heard Mr.Altaf Haqani, learned counsel for the applicant and Mr.Rajesh Thapa, learned counsel for the respondents at the stage of admission.

3. The date of birth of the applicant was entered in service register as 01.07.1962. According to the applicant she

was 21 years of age as on 04.01.1991, as per the certificate issued by the Chief Medical Officer, Srinagar and if that is taken into account, her date of birth would be 04.10.1971. It is stated that an unverified and uncertified entry in the State subject was taken as basis and it cannot be sustained in law.

4. The applicant joined the State service. Naturally the entries in the relevant certificates as regards date of birth, need to be taken into account. It is only when the appointment is to a post for which, no qualification is stipulated, that the certification by a Medical Officer as to age, would be relevant. The OA is silent, as to what was the qualification prescribed for the post of Instructor at the relevant point of time. Whether it is Matriculation or below that, the certificate issued by the concerned educational institution is bound to be part of record. Even if the certificate does not contain the date of birth, the school in which the applicant studied can be approached for issuing a certificate. Another eventuality is where the date of birth is recorded in the birth registers of the municipality or the village. It is only on the basis of proof of that nature, the controversy can be resolved. Further, if any rules exist in this behalf, they need to be followed.

5. A perusal of the certificate dated 04.01.1991 issued by the Medical Officer discloses that the examination was mostly about the health condition of the applicant. At the end of it, he wrote with pen that the age of the applicant is about 21 years. It is fairly well known that whenever any doubt as to the date of birth of a person arises, the matter is referred to a medical board, the prescribed tests are conducted and the age is determined. It is not on the basis of any guess work.

6. We, therefore, dispose of the OA leaving it open to the applicant to make a representation duly enclosing the proof of her date of birth from the institution, in which she studied or from the local authority. As and when such representation is made, the respondents shall pass appropriate orders within a period of two months thereafter. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)  
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)  
CHAIRMAN

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