

CIRCUIT BENCH

1. CIVIL

D.S. No. 1/90
(D.S. No. 254/80)

V.N. Jastam

Plaintiff/Applicant.

v

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. N.S. Gargi, J., J.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was employed in Civil Aviation Department, New Delhi, filed a writ for declaration with a prayer that the date of birth of the applicant is 15.11.1919 and not 20.5.1919 as a correct entry in the service book and the date of birth be corrected with all consequential ben fits granted to him.

The application was filed on 31.5.77. The suit was filed by him on 1.6.77. The respondent contested the case of the applicant. The suit was dismissed by the court after he filed an appeal to the District Court, which was confirmed by the District Officer, Nagar Mahapalika Tribunal. At the same stage, the applicant filed a public document which was issued by the Municipality as containing the date of birth of the applicant. The applicant also filed an affidavit of his mother regarding his date of birth. The applicant's contention is that the date of birth is 15.11.1919 and not 20.5.1919. The court is giving him a remedy, which is the suit. The court is also, as a result of the suit, the court is giving him a remedy, which is the suit.

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prove the authenticity of the document. The trial court mistake in advising that only ¹⁰ High School certificate. The applicant knew the correct date of birth from his mother. After which the matter was pending, it should have been decided in a judicial manner. In the opportunity was not given and the appellate authority can only ^{to} the Tribunal. The applicant is ^{not} ^{not} in proving that there is difference in his ^{not} in the said this very issue. Involving ^{not} accordingly this application is allowed with a condition that the respondents that it will give ^{an} ^{not} the applicant to prove ^{his} ^{not} age. The applicant will nominate ^{an} ^{not} an authority and ^{not} ^{not} some date for hearing, for tendering evidence for proving his date of birth regarding his statement of mother on Affidavit. Accordingly the respondents will ^{not} ^{not} the matter with reference to Indian Evidence Act. A decision will be taken within six months from the communication of this order. No order as to costs.

James J. J.
J.J.

W.C.
W.C.

Lacknowd 16.3.91