

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P No.D-23 of 2026

[Abdul Rasheed v. Federation of Pakistan and 06 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	<ol style="list-style-type: none">1. For orders on M.A No.78/2026 (U/A)2. For orders on office objection (s)3. For orders on M.A No.79/2026 (Exemption)4. For orders on M.A No.80/2026 (Stay)5. For hearing of main case

03.02.2026

Mrs.Razia Ali Zaman Patoli, Advocate for the Petitioner

The petitioner has approached this Court under Article 199 of the Constitution seeking, inter alia, a declaration that the impugned retirement notice dated 18.08.2025 issued by respondent No.6 is illegal and mala fide and a direction that he be allowed to continue in service until 29.12.2029 on the basis of the date of birth claimed by him as 30.12.1969. The petitioner further seeks enforcement of the order dated 22.12.2025, passed in C.P. No.D-2258 of 2025, wherein respondent No.2 was directed to decide his application for the determination of his date of birth.

2. The petitioner asserts that although his date of birth was initially recorded as 15.12.1965 at the time of his induction in 1987, he subsequently obtained a matriculation certificate in 2021 reflecting his date of birth as 30.12.1969. On the strength of this certificate, NADRA corrected his CNIC after receiving an NOC from the department. The petitioner claims that the Assistant Works Manager thereafter corrected the service book and issued a fresh service card in February 2024 showing the date of birth as 30.12.1969. Despite these corrections, the seniority list issued in June 2025 reflected the earlier date of birth and the impugned retirement notice dated 18.08.2025 was issued on that basis.

3. Learned counsel for the petitioner submits that the petitioner's date of birth stands duly corrected by NADRA and the department itself, and the impugned notice is without lawful authority. It is argued that the petitioner still has service tenure until 29.12.2029 and that the respondents have acted in disregard of this Court's earlier order dated 22.12.2025, passed in C.P. No.D-

2258 of 2025. Learned counsel maintains that the petitioner is being victimised due to his earlier litigation and that the impugned notice must be set aside.

4. We have heard learned counsel for the petitioner and perused the record.

5. The petitioner's entire case hinges on the premise that the department lawfully corrected his date of birth and that the impugned notice is therefore illegal. However, the legal position governing the alteration of the date of birth in the service record is unequivocal. The general rule, consistently affirmed by the Supreme Court, is that the "date of birth" recorded at the time of entry into service is final. No alteration is permissible except to rectify a clerical mistake, and even such correction must be sought within two years of the initial entry. Any request beyond this period is barred. Further, any permissible correction must be processed by the Appointing Authority upon the recommendation of a duly constituted Inquiry Committee. A civil servant cannot seek alteration of date of birth at the verge of retirement, nor can such alteration be procured indirectly through civil litigation or by obtaining modified academic documents.

6. In the case of **Muhammad Khaliq Mandokhail**¹. The Supreme Court held that attempts to alter the date of birth after decades of service are inherently suspect, contrary to law, and often motivated by the desire to prolong service tenure. The Court emphasised that any superstructure built upon an unauthorised alteration collapses automatically. Applying these principles to the present case, the following aspects are decisive:

7. Firstly, the petitioner entered service in 1987. His date of birth was recorded as 15.12.1965. No objection was raised for more than three decades. The alteration request was made only in 2021, far beyond the two-year statutory window. Such belated claims fall squarely within the mischief addressed in Mandokhail's case (supra).

8. Secondly, the so-called 'correction' of the service book and service card was not carried out by the Appointing Authority nor upon the recommendation of any Inquiry Committee. The Assistant Works Manager had no jurisdiction to alter the date of birth. Any such alteration is void ab initio and incapable of conferring any legal benefit.

¹ Muhammad Khaliq Mandokhail v. Government of Balochistan (2021 SCMR 595)

9. Thirdly, the matriculation certificate relied upon by the petitioner was obtained in 2021, decades after his induction. The Supreme Court has repeatedly held that academic documents procured belatedly cannot override the date of birth recorded at the time of entry into service.

10. Fourthly, the impugned notice dated 18.08.2025, predates the order dated 22.12.2025 passed in C.P. No.D-2258 of 2025. The earlier petition was disposed of as not pressed, with a direction to respondent No.2 to decide the petitioner's application. That order did not validate the petitioner's claimed date of birth, nor did it restrain the department from acting upon the existing service record. The impugned notice, therefore, cannot be said to have been issued in defiance of any judicial direction.

11. Fifthly, the prayer clauses of the present petition seek to restrain the respondents from retiring the petitioner and to declare the impugned notice illegal. However, once the legal position is applied, the petitioner's entire claim collapses. The date of birth recorded at the time of entry into service remains final. The petitioner cannot, at this late stage, seek to reopen a settled matter.

12. The documents annexed with the petition, including the CNIC, the N.O.C, the service card and the internal correspondence, cannot override the statutory bar nor cure the jurisdictional defect in the purported alteration. These documents, even if genuine, are legally irrelevant to the determination of date of birth in service law. The petition, therefore, is devoid of merit.

13. For the reasons recorded above, the petition is **dismissed** in *limine* along with the listed application (s).

JUDGE

JUDGE

AHSAN K. ABRO