

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4249 of 2015

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Mukh Ram Singh son of Shree Ram Bilash Singh, Resident of Village Dhidhi, P.S. Baroon, District- Aurangabad [Bihar]

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Aurangabad [Bihar].
3. The Superintendent of Police, Aurangabad [Bihar].
4. The Sub- Divisional officer, Aurangabad [Bihar].
5. Anchal Adhikari, Barun, Aurangabad [Bihar]
6. The Officer In-charge, Police Station, Barun, Aurangabad [Bihar].

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr. GP20- NADEEM SERAJ

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-03-2015

A K Tripathi, J.

A very well considered decision has been rendered by the District Magistrate, Aurangabad, after considering all the facts and circumstances dealing with the date of birth of the petitioner. The date of birth of the petitioner, which the petitioner tried to establish subsequently by appearing in examination, was based on the declaration so made but a reading of the impugned order would indicate that If his assertion is accepted to be true with regard to various dates of birth recorded previously in the official records vis-à-vis his assertion, then he would be only 13 years of age in the year 1972 when he came to be enrolled or assigned responsibility of a Chaukidar. Obviously, such a decision would not have been taken by the respondent authorities, if he was a minor at the time of his engagement in the year 1972.

2. This Court is not oblivious of the fact that in the year 1990

Chaukidar became holder of a post under the State and thereafter all these jugglery with the age and date of birth started to hang on to the benefit available to a government servant as long as they could as also to derive maximum benefit of pension as well.

3. This Court cannot be a party to such mechanism on the face of such gross finding of facts. Such findings, in the opinion of the Court, do not require any interference since there is no infirmity in the impugned order.

4. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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