

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.542 of 2015

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Zamila Khatoon W/o Late Md. Asloo resident of village - Beur Side,
P.R.D.A. Flat No. 12, Block No. 2, P.O. Anishabad, P.S. Beur, District -
Patna

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15
2. The Patna Municipal Corporation, through its Municipal Commissioner, Maurya Lok Complex, Baily Road, Patna - 1
3. The Empowered Standing Committee, Patna Municipal Corporation, through its Mayor, Maurya Lok Complex, Baily Road, Patna - 1
4. The Mayor, Patna Municipal Corporation, through its Mayor Maurya Lok Complex, Baily Road, Patna - 1
5. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Baily Road, Patna - 1
6. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Baily Road, Patna - 1
7. The Additional Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Baily Road, Patna - 1

.... Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. J.P. Karn, AAG4
For the PMC : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-02-2015 No one appears for the petitioner. Learned counsel for the Corporation is present.

The matter relating to dispute of date of birth of the petitioner as raised in this writ application cannot be adjudicated in the writ jurisdiction specially when there is no authentic document to support the claim of the petitioner on the basis of which she could have been made to retire only with effect from 31.7.2015 or to hold that the decision of the authority fixing the

date of retirement of the petitioner to be 31.12.2014 was bad. The reliance placed by the petitioner on a medical certificate dated 23.7.1985 will have hardly to do anything with regard to the actual age and, consequently, the date of retirement of the petitioner because whatever has been recorded by the Civil Surgeon in his certificate dated 23.7.1985 by way of age of the petitioner to be 30 years is based on the statement of the petitioner and the physical assessment made by the Civil Surgeon. The determination of the age of any person by way of medical evidence can never be based on a mere observation unless the person concerned is put to prescribed medical tests particularly ossification test.

In that view of the matter, this Court does not find any error in the decision of the authority making the petitioner retire with effect from 31.12.2014 specially when her date of birth was recorded in the service book as 1.1.1955.

That being so, this application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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