

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11765 of 2007

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Amar Rai, son of late Sukhari Rai, resident of village – Dumariya, Police Station –
Dumariya Ghat, District – East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Special Secretary Police (Home), Bihar, Patna
3. The Director General of Police, Bihar, Ptana
4. The Collector, East Champaran, Motihari
5. The Superintendent of Police, East Champaran, Motihari
6. The Anchal Adhikari, Aneraj Block East Champaran, Motihari
7. The Officer in Charge, Dumariya Ghat Police Station, East Champaran,
Motihari
8. The Civil Surgeon, East Champaran, Motihari
9. The District Provident Fund Officer, East Champaran, Motihari
10. The Accountant General, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.K.TONDON

For the Respondent/s : Mr. (GA5)

Mr. L.P.K.Rajgriha

Mr. J.P.Karn

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-01-2015

Heard learned counsel for the parties.

In absence of any clear and unimpeachable
evidence with regard to the date of birth of the petitioner,
the decision contained in Annexure-2, superannuating
the petitioner w.e.f. 30.06.1999, is not required to be
interfered with.

It was very much open to the petitioner to
bring evidence on record in the present writ application
as well to establish his bona fide and credentials with
regard to his actual age and the so called right of his to

continue on the post till 01.01.2000.

The cat is out of bag. The whole reason for filing of the present writ application is because the petitioner has not completed 10 years of minimum service under the respondent-State authorities, which does not beget him benefit of pension.

The fact is that the Chaukidar were never a government servant. It was only in the year 1990 that they became one. If the number of years do not add up in favour of the petitioner for pension, the Court is not going to permit the petitioner to extend the period of his service by raising a controversy with regard to his retirement in the year 1999, by filing the writ application in the year 2007.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

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