

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.65 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 3985 of 2014**

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Ratan Paswan, son of Late Badri Paswan, resident of Village- Pothia, Police Station- Falka, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Katihar in the district of Katihar.
3. The Senior Deputy Collector, District General Section, Katihar in the district of Katihar
4. The Sub-Divisional Officer, Katihar in the District of Katihar.
5. The District Program Officer (Establishment), Katihar in the district of Katihar.
6. The District Education Officer, Katihar in the district of Katihar.
7. The Circle Officer, Falka in the district of Katihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sia Ram Shahi, Advocate  
Mr. Ranjan Kumar Singh, Advocate  
For the Respondent/s : Mr. R. R. K. Pandey, S.C.-29

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**

**ORAL JUDGMENT**

**Date: 04-11-2015**

With the help of this review application, the applicant, who was the writ petitioner, in CWJC No.3985 of 2014, has sought for review of the order, dated 20.02.2014, wherein while recording that none has appeared on behalf of the petitioner, the Court has passed an order dismissing the writ petition on the ground that the writ petition has given rise to disputed questions of fact, which cannot be decided in a writ proceeding.

By the review application, the applicant has shown the reasons for absence of his learned counsel.

This Court has, therefore, decided to consider the writ petition once again and, accordingly, heard Mr. Siya Ram Shahi,

learned Counsel, appearing for the petitioner.

Having heard learned counsel for the petitioner, this Court does not find that the applicant has been able to make out any case calling for review of the order, dated 20.02.2014, inasmuch as the writ petition raises, undoubtedly, disputed questions of fact, which would necessitate recording of evidence before the correct date of birth of the writ petitioner can be determined.

As far as the writ petitioner's contention that there has been interpolation, in his service book, so far as his date of birth is concerned, suffice it to point out here that this aspect, too, involved disputed question of fact and, cannot, therefore, be decided in a writ proceeding.

In view of the above and in the interest of justice, while maintaining the order, dated 20.02.2014, this Court makes it clear that it will remain open to the petitioner to take recourse to Civil Court of competent jurisdiction for remedy of his grievance by filing appropriate suit for declaration of his date of birth

With the above observations, conclusions, directions and liberty, this review application stands disposed of.

**(I. A. Ansari, ACJ)**

Sunil/-

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