

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10644 of 2008

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1. Ramdeo Yadav, son of Ram Tahal Yadav of Parawan, P.S. – Ghoshi, District – Jehanabad
 2. Hulash Paswan, son of Late Khanu Paswan of village – Chhabauna, P.S. – Ghoshi, District – Jehanabad
 3. Ram Lakhan Gope, son of Late Govind Gope of Laxmipur, P.S. – Ghoshi, District – Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Collector, Jehanabad
3. Anchal Adhikari, Ghoshi, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. NARESH DASS

Mr. Atul Kumar

Mr. Javed Aslam

For the Respondent/s : Mr. Abhinay Raj, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-08-2015

12.08.2015

Heard learned counsel for the parties.

Petitioners have themselves annexed medical certificates issued at the time they became a government servant in the year 1990. Their age had been assessed as 45 years. Taking into consideration that the age of retirement at that point of time was 58 years, they were rightly retired w.e.f. 31.03.2003.

However, the counsel submits that their service-books were opened, where the date of birth of petitioner nos. 1, 2 and 3 has been recorded as 01.04.1948, 09.11.1947 and 19.12.1953 respectively. This should form the basis for working out the age of

retirement of the petitioners.

The Court would have taken into consideration the service-book, contained in Annexure-1, 1/A and 1/B, provided it was opened after the petitioners became a government servant by virtue of a policy decision taken by the State. Since prior to 1990 appointments of Chaukidars were made without following the yardstick of Article 14 and 16 of the Constitution of India and in most of the cases, such office was inheritable, therefore, maintenance of records was very cursory and casual. Petitioners cannot take advantage of the same now, especially after what their age was assessed in the year 1990, when they became a Class-IV employees under the State.

No interference is warranted with the decision of the respondents to superannuate these petitioners in the year 2003. Writ application has no merit, it is dismissed.

SKM/-

(Ajay Kumar Tripathi, J.)

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