

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9819 of 2014

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Ramayan Sah S/o Shiv Bachan Resident of Mohalla Punendu Nagar, P.O. + P.S.
Phulwarisarif, District Patna.

.... Petitioner

Versus

1. The Patna Municipal Corporation, Patna through Municipal Commissioner, P.M.C., Patna, Budh Marg, Mourya Lok, Patna.
2. The Municipal Commissioner, Patna, Municipal Corporation, Budh Marg Maurya Lok, Patna.
3. The Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Hardings Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-12-2016

Petitioner's grievance is against Annexure-3, by virtue of which he has been made to retire after reaching the age of 60 years. His date of birth, according to the respondents, is 01.07.1954, therefore, the date of retirement is 30.06.2014.

Stand of the petitioner in the writ application is that his date of birth is 1958 and not 1954 and there are substantial evidence to show that he has been retired four years prior to his actual date of birth and age of superannuation.

Respondents have filed a counter affidavit. They have annexed a copy of the service book of the petitioner. From a perusal of the said service-book and the entries made therein, it is absolutely clear that the date of birth of the petitioner as recorded in the service-



book is 1954, which is sought to be altered by overwriting and making it 1958.

There is nothing new which has been done by such kind of employees. It is a regular feature especially when such employees are Class-IV employees and they do not want to give up the comfortable position which they are in and manipulation and overwriting in record is a normal feature.

On perusal of the entry, the stroke of the pen and the colour thereof, it is a poor effort of overwriting and making 54 as 58. Therefore, the Court will not interfere with Annexure-3. If the petitioner wants, he may file a suit and get a declaration with regard to his date of birth from a civil Court of competent jurisdiction before he can get the relief.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
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