

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

**Letters Patent Appeal No.1846 of 2015**  
**Arising out of**  
**Civil Writ Jurisdiction Case No. 11289 of 2014**

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Kumari Bibha Choudhary, Wife of Gaya Prasad Choudhary, resident of village - Chhajan, P.S. Kudhani, District - Muzaffarpur, Presently resident of Mohalla - Kashipur, P.S. Sadar, District - Samastipur

.... .... Appellant

Versus

1. The State of Bihar through the Secretary, Human Resources Department, Bihar, Patna
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
3. The Pro Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
5. The Examination Controller, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
6. The Examination Controller, Tirhut Academy, Muzaffarpur
7. The Head Master, Lalji Sanskrit School, Baruraj, Muzaffarpur

.... .... Respondents

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**Appearance :**

For the Appellant : Mr. Nachiketa Jha, Advocate.  
For the Respondents : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**and**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

**Date: 08-04-2016**

Heard learned counsel for the appellant and the respondents.

2. The order dated 6<sup>th</sup> of August, 2015 passed by the learned Single Bench of this Court in C.W.J.C. No. 11289 of 2014 is the subject matter of challenge in the present Letters Patent Appeal.

3. The learned Single Bench has given liberty to the appellant to avail the remedy of suit in respect of the dispute regarding date of birth.



4. As per the appellant her date of birth is 1<sup>st</sup> of March, 1966 but the same was incorrectly recorded in the Madhyama Examination Certificate in which she appeared in the year 1981 as 1<sup>st</sup> of March, 1960. In respect of such certificate (Annexure-5) the appellant is said to have submitted representation on 09<sup>th</sup> of May, 2007 to correct her date of birth in the said document. In terms of a direction of this Court in C.W.J.C. No. 3958 of 2008, the appellant was given liberty to submit representation before the University with all supporting documents and the University was directed to dispose of such representation after proper inquiry within a period of 12 weeks. It is thereafter, the inquiry has been conducted by the University and the report submitted on 13<sup>th</sup> of April, 2012 that the Examination Form (परीक्षावेदन-पत्र) records her date of birth as 1<sup>st</sup> of March, 1966 by overwriting. It is mentioned that in the first and second Tabulation Register, the date of birth is clearly mentioned as 1<sup>st</sup> of March, 1960. Still further, the photo copy of the original certificate records the date of birth as 1<sup>st</sup> of March, 1960. Therefore, the Committee concluded that there is tampering in the date of birth, which is on account of overwriting.

5. It may be stated that the year 1960 can be tampered with figure 'zero' to read as 1966. It is on account of such tampering; the appellant seeks to take benefit in the present Letters Patent Appeal. Perusal of Annexure-5 shows that the appellant was a student of Lalji

Sanskrit High School, Baruraj, Muzaffarpur in the year 1981. The photo copy of the certificate is on record, wherein it is mentioned in words and figures the date of birth as 1<sup>st</sup> of March, 1960. With such clear date of birth mentioned in the certificate, appended by the appellant herself, it is impossible to return a finding that her date of birth is 1<sup>st</sup> of March, 1966. It is a clear case of tampering in the date of birth so as to draw undue advantage by the appellant.

6. In view thereof, we find that there is no merit in the Letters Patent Appeal. The same is, thus, dismissed.

**(Hemant Gupta, J)**

**(Ahsanuddin Amanullah, J)**

P.K.P./Sujit  
N.A.F.R.

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