

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9283 of 2014

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Lalanji Panday son of Late Yamuna Panday, resident of village and P.O. Sisai, P.S. Goriakothi, District Siwan at present working as 'Anusevak' (Peon), D.R.D.A. Siwan.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, Siwan
3. The Dy. Development Commissioner cum Managing Director, D.R.D.A., Siwan
4. The Dy. Collector, Nazarat, Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Bhushan Verma, Advocate

For the State : Mr. Rajesh Kumar Sinha, A.C. to G.P.23

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-10-2016

Petitioner is aggrieved because his date of birth according to him has been wrongly recorded as 23.06.1954 whereas his actual date of birth is said to be 23.06.1964. Petitioner was working as an Ummidwar Peon. He came to be empanelled subsequently on Class IV post and was appointed as a Chowkidar in the Rural Works Department, Siwan. For a long period of time, the service book of the petitioner was not opened for the reason that there was complete lack of cooperation by the petitioner in providing inputs which could form the basis for opening of his service book. The Court has reason to observe as above because there are a series of communications made with the petitioner right up till the year 2009 but he refused to cooperate. Finally based on the available materials

and evidence with the respondents, the date of birth of the petitioner was recorded and now the petitioner is assailing that order on the ground that a wrong entry has been made.

The controversial circumstances being what they are and there are documentations which creates serious doubt whether the claim of the petitioner that his date of birth is 23.06.1964 cannot be held to be so in absence of any unimpeachable evidence brought by the petitioner even in the writ application. If this be so, there is no reason for this Court to quash the decision of the respondents to show his date of birth to be 23.06.1954.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

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