

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

**Letters Patent Appeal No.101 of 2016  
Arising out of  
Civil Writ Jurisdiction Case No. 18097 of 2014**

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Kameshwar Prasad Singh, son of Late Ram Udagar Singh, resident of Village - Harnahia, P.S. - Bakhtiyarpur, District - Patna, at present residing at Ashok Nagar, Housing Board, Near Janta Flat, P.S. - Rampur, District - Gaya.

.... .... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development (Secondary Education) Department, Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Bihar, Patna.
3. The Principal Mahavir High School, Gaya.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Surendra Prasad Singh, Advocate  
Mr. Satyendra Narayan Verma, Advocate  
Mr. Kirti Keshav, Advocate  
For the Respondent/s : Mr. Amit Bhushan, A.C. to G.P.-17

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)  
Date: 22-12-2016**

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 4<sup>th</sup> of December, 2015 in C.W.J.C. No. 18097 of 2014 whereby, the writ application filed by the appellant for correction of his date of birth from 17<sup>th</sup> of October, 1956 to 17<sup>th</sup> of October, 1958 remained unsuccessful.

3. The learned counsel for the appellant relies upon an



order passed on 6<sup>th</sup> of March, 2014 in C.W.J.C. No. 13310 of 2006 (Kameshwar Prasad Singh Vs. The State of Bihar & Ors.) wherein, there was a direction to the Secretary of the Bihar School Examination Board to take a final decision with regard to correction of the date of birth of the appellant within two months of his appearance before the Secretary. In pursuance of such direction, the claim of the appellant for correction of date of birth has been declined. It has been found that the appellant claimed 17<sup>th</sup> of October, 1958 as his date of birth in the certificate pertaining to his VIIth Standard examination but in the Matriculation Examination, 1974, the date of birth is mentioned as 17<sup>th</sup> of October, 1956.

4. We find that cogent reasons have been given by the Secretary of the Board to decline correction of the date of birth. Apart from the fact that the appellant came to know about the mistake in 1976, but he moved the jurisdiction of this Court 30 years later in the year 2006. Therefore, he had no grievance in respect of his date of birth as 17<sup>th</sup> of October, 1956 for more than 30 years but suddenly he has woken up to raise the claim of date of birth as 17<sup>th</sup> of October, 1958.

5. We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.



6. The Letters Patent Appeal is, thus, dismissed.

**(Hemant Gupta, ACJ)**

**(Dinesh Kumar Singh, J)**

P.K.P.

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| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 23.12.2016 |
| Transmission Date |            |

