

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12879 of 2013

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1. Anirudh Kumar Sinha S/O Sri Krishna Mohan Sahay Resident Of Village -
Amarpura, P.S. Mohania, District - Kaimur

.... Petitioner/s

Versus

1. The State Of Bihar Through the Chief Secretary, Bihar, Patna
2. Principal Secretary, Department Of Water Resource, Bihar, Patna
3. Chief Engineer, Department Of Water Resource, Dehri - On - Sone, District -
Rohtas
4. The Executive Engineer, Sone High Canal Division Bhabhua District - Kaimur
5. The Executive Engineer, Sone High Canal Division Mohania, District - Kaimur
6. The District Magistrate, Kaimur
7. The Deputy Collector (Establishment) Kaimur At Bhabhua
8. The Superintendent Of Police, Kaimur
9. Ranjit Kumar Sinha Son Of Late Prem Shankar Lal Resident Of Village -
Amarpura, P.S. Mohania, District - Kaimur At Present Staff Clerk, Sub - Divisional
Office Jal Path Karmanasha, Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay.

For the Respondent/s : Mr. Yogendra Prasad Sinha (A.A.G.-15)
Mr. Sanjay Kumar @ Manu

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 25-04-2016

Heard both sides.

A counter affidavit on behalf of the concerned
respondent is filed. No rejoinder thereto has been filed by the
petitioner.

Petitioner, claiming himself as a social activist, has filed
the application to challenge the appointment of respondent no. 9 on
Class-IV post in the Sone High Canal Division, Bhabhua by the
respondent on compassionate grounds.

It is stated that the father of respondent no. 9 had three

dates of birth. The respondent treated the year 1949 illegally as his year of birth and allowed him to continue in service and in the meanwhile he died in harness in the year 2004. Respondent no. 9 applied for appointment on compassionate ground. The same was considered and the appointment was granted. Now, the present application seeks a writ in nature of Quo-Warranto for removal of respondent no. 9 from the service.

In the counter affidavit, the respondents have stated that the date of birth entered in the service book as 5.8.1949 was not required to be altered/modified. The date of birth being 5.8.1949, the father of respondent no. 9 was allowed to continue and in the meanwhile he died while in service.

In my view, the writ of Quo-Warranto, in the facts and circumstances of the case, cannot be issued. Such issuance shall be dependent upon ascertainment of diverse facts including the actual date of birth of the employee (father of respondent no. 9) while he was in service. Regrettably, this cannot be done.

The writ application lacks merit. It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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