

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13225 of 2013

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Ram Swarth Rai, son of Singeshwar Rai, R/O Village- Bhawanipur, P.O. + P.S.-
Parihar, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Sitamarhi
2. The District Magistrate, Sitamarhi
3. The Superintendent of Police, Sitamarhi
4. The Sub-Divisional Officer, Sitamarhi Sadar, Sitamarhi
5. The Circle Officer, Parihar, Sitamarhi
6. The Officer-In-Charge, Parihar, Sitamarhi

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Krishna Kant Singh, adv.

For the Respondent s : Mr. R.K. Chandram, A.C. to G.P.19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is seeking quashing the
letter No.1057 dated 06.06.2013, which has been communicated to
the petitioner vide Memo No.574 dated 10.06.2013, by which the
objection of the petitioner with regard to manipulation of date of
birth has been rejected.

3. The petitioner has entered into the service as Choukidar in the year 1980. As per the claim of the petitioner his date of birth has been recorded in the service book as 07.02.1960, but some mischievous person has made correction in his date of birth made the same as 01.07.1953.

4. In paragraph No.9 of the counter affidavit filed by the State, it has been stated that the date of birth of the petitioner in the service book of Parihar Police Station has been recorded as 01.07.1953. But from the record, which is annexed as Annexure-A to the counter affidavit, in the column of the petitioner i.e. at serial No.5, it appears that his date of birth has been mentioned as 07.02.1960, but age has been recorded as 27 years.

5. The petitioner is claiming his date of birth as 07.02.1960 on the basis of the Transfer Certificate issued by Sukhdev Das Uchhay Vidhyalaya, Rambaugh. But the Headmaster of the concerned School has informed the Circle Officer, Parihar that no such certificate has been issued from his school.

6. Learned counsel for the State has produced the original Service Book of the petitioner for the perusal of the Court. On perusal of the same, it appears that earlier date of birth of the

petitioner was recorded as 07.02.1960, but at the later stage his date of birth has been made as 01.07.1953. From the naked eyes, it shows that some one has made correction in the date of birth of the petitioner.

7. Learned counsel for the State has taken a stand that issue of manipulation has been raised by the petitioner just before his superannuation. In such view of the matter, the prayer of the petitioner should be ignored. But the record, which has been furnished by the State, itself shows that the date of birth of the petitioner was recorded in the service book of Parihar Police Station as 07.02.1960 and the Service Book itself indicates his same date of birth, but later on some one has made correction in his date of birth.

8. In such view of matter, let the District Magistrate, Sitamarhi examine the case of the petitioner and after perusal of the records take a decision within a period of one month from the date of receipt/production of a copy of this order. If the District Magistrate, Sitamarhi finds that the claim of the petitioner is genuine, then the consequential benefits should also be extended to the petitioner. While examining the case of the petitioner, the District Magistrate, Sitamarhi will give proper opportunity to the

petitioner, considering the principle of natural justice.

9. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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