

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15256 of 2013

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1. Pancham Rai Son Of Ram Bhawan Rai Resident Of Anandpur P.S.- Bihta, Distt.- Patna

2. Jawahar Choudhary Son Of Sri Bachu Choudhary Resident Of Village- Mathura, P.S. Tarapur, Distt.- Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Old Secretariat, Patna

2. Secretary, Building Construction Department, Govt. Of Bihar, Patna

3. Deputy Secretary Building Construction Department, Govt. Of Bihar, Patna

4. Superintending Engineer, Building Construction Department, Bhawan Division, Khagaria

5. Executive Engineer, Building Construction Department, Bhawan Division, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the State : Mr. Nawal Kishore Singh, AC to GP 26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-11-2016

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

In the present writ petition, petitioners are claiming for fixation of date of retirement on the basis of the date of birth mentioned in the service books.

Petitioenrs were working as daily wager employees. Earlier this Court vide order passed in C.W.J.C. No.3349 of 2000 has directed the respondents for regularisation of service and in order to complete the process, the petitioners were asked to appear before the Medical Board. As per Medical Board the age

of both petitioners have been assessed between 55-60 years.

Learned counsel for the petitioner submits that it has not inspired confidence in the manner Medical Board assessed the age rather it is only an eye wash. They have not done the assessment of age scientifically. He has further submitted that petitioners had filed an application for their fresh Medical Board for assessment of age which has been rejected.

It will be for the ends of justice that Civil Surgeon, Patna is directed to constitute a Medical Board for the purposes of assessment of age of the petitioners and whatever the age is assessed by the Medical Board the same will be recorded and lowest age will be treated his age.

For convenience, petitioner is directed to file an application before the Civil Surgeon, Patna who will do needful within a period of two months from the date of filing of the application.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2016
Transmission Date	NA

(Shivaji Pandey, J)