

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8481 of 2017

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Ramesh Singh Alias Ramesh Prasad Sharma S/o Late Triveni Singh Resident
of Village-Pura, Post Office Pura, Police Station Tekari, District gaya.

... .. Petitioner.

Versus

1. The Union of India through its General Manager, Coal India Limited,
Dhanbad.
2. The Director, Bharat Coking Coal Limited, Koyala Bhawan, Koyala Nagar
Dhanbad.
3. The Senior Manager P, Bharat Coking Coal Limited, Koyala Bhawan,
Koyala Nagar Dhanbad, Jharkhand.
4. The Project Officer, K.B. 10/12 Pits Colliery, Post Office Kusuda, District
Dhanbad, Jharkhand.

... .. Respondents.

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Vishwa Mohan Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 03-12-2019

No one appears for the petitioner. Learned
counsel for the respondents is present.

2. Perused the material on record.

3. This writ petition has been filed by the



petitioner challenging the order dated 06.04.2017, passed in O.A./050/ 00194/2017 by the Central Administrative Tribunal, Patna Bench, Patna (for short 'the Tribunal'), by which the original application filed by the petitioner has not been admitted and the relief sought for by the petitioner has been negated.

4. In the original application, the petitioner had challenged the legality and validity of the order, whereby he was directed to retire in the month of June, 2010.

5. The contention of the petitioner was that his date of birth is 24.11.1956 and in view of his correct date of birth he would have retired on attaining the age of superannuation on 23.11.2016. On such plea, he had filed the original application before the Tribunal.

6. The Tribunal did not admit his application on two grounds. Firstly, after six years of retirement, an employee cannot have a luxury of seeking correction of date of birth. Secondly, in view of authoritative pronouncement of the Hon'ble Supreme Court in the case of State of Tamil Nadu Vs. T.V. Venugopalan 1994 SCC (L & S) 1385 correction of date of birth is not permissible at the fag end of service of career and the public servant should seek correction within five years of entry into the Government service and Administrative Tribunal



cannot re-appreciate the evidence to reach different conclusion as it is not a Court of Appeal as regards correction of date of birth.

7. Having considered the materials on record, we are of the opinion that the Tribunal has rightly negated the prayer of the petitioner. The writ petition lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	05.12.2019
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