

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.449 of 2017

In

Civil Writ Jurisdiction Case No. 11069 of 2015

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Renu Kumari, Daughter of Rajendra Sharma, wife of Pramod Kumar,
resident of Village- Raunia, P.S.- Khijar Sarai, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director Primary, Secondary and Adult Education, Government of Bihar, Patna.
3. The District Teachers Employment Appellate Tribunal, Gaya.
4. The District Magistrate, Gaya.
5. The District Programme Officer (Establishment) Gaya.
6. The Block Development Officer Khajjar Sarai, District- Gaya.
7. The Block Education Officer, Khijar Sarai, District- Gaya.
8. The Panchayat Secretary Raunia Gram Panchayat, P.S.- Khijar Sarai, District- Gaya.
9. The Mukhia Raunia Gram Panchayat P.S. Khijar Sarai District- Gaya.
null null
10. Sangeeta Kumari, wife of Nageshwar Kumar Sharma, resident of Village- Raunia, P.S.- Khijar Sarai, District- Gaya.
11. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tej Bahadur Singh, Sr. Adv.
For the Respondent no.10 : Mr. Sharda Nand Mishra, Adv.
For the State : Mr. Amarendra Kumar AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-06-2017 Petitioner's appointment to the post in question was cancelled on account of the fact that in the matriculation certificate issued by the Bihar School Examination Board, the date of birth of the petitioner is shown as 26.10.1973, whereas, her correct date of birth is 26.10.1970.

On complaint having been made officially to the effect that the date of birth of the petitioner is 26.10.1970 and not



26.10.1973 at the time of appointment of the petitioner, her appointment has been cancelled. The petitioner challenged the same before the writ court but the same has been dismissed vide order dated 13.2.2017 passed in C.W.J.C. No. 11069 of 2015.

The impugned order goes to show that since the issue in question required verification of the record with regard to the date of birth of the petitioner, the counsel representing the Board was directed to seek instruction and file counter affidavit. The Board after verification filed a detailed counter affidavit stating that upon verification of record from the tabulation register, it appeared that the date of birth of the petitioner is 26.10.1970. Being satisfied with the counter affidavit, filed on behalf of the Board, the learned writ court recorded finding based on the counter affidavit of the Board that date of birth of the petitioner is 26.10.1970.

The aforesaid finding recorded by the learned writ court is based on due appreciation of the materials on record. It appears that aforesaid discretion has been legally and reasonably exercised by the learned writ court. That being so, we find no ground to interfere with the impugned order.

The appeal stands dismissed.

(Rajendra Menon, CJ)

Ravi/-

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(Anil Kumar Upadhyay, J)

