

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1501 of 2009

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Bhola Nath Singh @ Bhola Singh, son of Sheojee Singh, resident of village-
Amma, Pitamberpur, Post-Dhorha Bazar, P.S. Arrah, Muffasil, District-
Bhojpur

.... Petitioner

Versus

1. The State of Bihar through Commissioner, Home Police, Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. Dy. Inspector General, B.M.P, Central Range
4. Commandant, B.M.P.-2, Dehri(Rohtas)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sumant Kumar Singh
Mr. Anjan Singh

For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 20-03-2017 Heard Sri Sumant Kumar Singh, learned counsel for
the petitioner and Mr.S.Raza Ahmad, learned Addl. Advocate
General No.5.

The petitioner, who retired from service with effect
from 30.04.2008 has approached this Court by filing the present
writ petition in the month of January, 2009 with a prayer to quash
Annexure-1 to the writ petition, i.e. an order contained in Memo
No. 2371 dated 03.07.2008 issued by the Commandant, B.M.P.
Dehri-2, Dehri whereby the petitioner was intimated regarding
sanction of leave encashment for 300 days.

Learned counsel for the petitioner tried to persuade
the Court that the date of birth was not correctly recorded, rather



there was some interpolation in the service book. The petitioner has also prayed for quashing of Annexure-2 to the present writ petition i.e. a communication issued by the Commandant, BMP-2, Dehri , which was sent to the petitioner. On perusal of Annexure-2, it appears that in the month of October, 2004, the petitioner had raised dispute regarding correction of his date of birth in the service book.

Learned Addl. Advocate General no.5 submits that the writ petition is fit to be rejected primarily on the ground that Annexure-1, which has been assailed in the present writ petition, has no direct bearing with adjudication of dispute of date of birth of the petitioner, rather it is in relation to sanction of 300 days of leave encashment. He further submits that as per Bihar Financial Rules, the dispute regarding date of birth can be raised only within a period of ten years from the date of appointment.

The Court is of the opinion that Annexure-1, which has been assailed in the present writ petition, has got no direct bearing with adjudication of date of birth. Moreover, from Annexure-2, it is evident that in the year 2004, the petitioner had raised dispute regarding date of birth, whereas the petitioner was appointed on 01.02.1968. Since the dispute was raised beyond the prescribed statutory period, there is no reason to examine the



same.

I do not find any ground to interfere with the matter. The writ petition stands dismissed.

(Rakesh Kumar, J)

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