

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.160 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 16642 of 2014**

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Md. Nijamuddin son of Late Junab Ali, Resident of Village- Bharpatia, P.S.-
Tharkaha District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Samadeshta, Bihar Grih Raksha Vahini, District- Saharsa.
3. The Samadeshta Bihar Grih Raksha Vahini, Mukhiyalay, Patna.
4. The Maha/Samadeshta Bihar Grih Raksha Vahini Mukhyalaya, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant	:	Mr. Abu Haider, Advocate Mr. Nadimul Hasan, Advocate Mr. Abu Shageer, Advocate
For the State	:	Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-02-2017

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench on 7th of September, 2015 in C.W.J.C. No. 16642 of 2014 whereby, the writ application seeking correction of date of birth remained unsuccessful.

2. A perusal of the counter affidavit shows that the appellant has given his date of birth as 12.01.1960. On the basis of the said date of birth, he could not have been enrolled as a Home Guard volunteer on 10.10.1974 and could not have been appointed in permanent service in 1981 as a Sepoy in Bihar Home Guard Organization. His date of birth was corrected to 10.10.1955 after



giving an opportunity on 27.2.1997. The said order has not been challenged by the appellant at any stage but he later submitted a representation which was declined on 26.2.2014. It is on the basis of the said communication, the appellant invoked the writ jurisdiction of this Court.

3. The learned Single Bench has rightly found that the order of correction of date of birth was passed in the year 1997, thus, he cannot be permitted to dispute such correction by way of a writ application filed in the year 2014 on the basis of subsequent communication communicating the existing facts.

4. In view of the above, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
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