

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.978 of 2015
IN
Civil Writ Jurisdiction Case No. 16158 of 2007**

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Paras Nath Rai, son of late Tota Rai, resident of village Mahaicha, P.O. Hathua,
P.S. Hathua, District Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar through Secretary, Water Resources Department, Government of Bihar.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Executive Engineer, Saran Nahar Pramandal Gandak Yojna, Bhore (Gopalganj).
4. The Executive Engineer, KshetraYantra Pramandal Vanwari, Sivr Valmikinagar (West Champaran).
5. The Chief Engineer, Water Resources Department, Siwan.
6. The Superintending Engineer, Saran Nahar Anchal Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Sr.Adv.
Mr. Sanjya Kumar Chaubey, Adv.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 01-08-2017

Perused the impugned order passed by the learned Single Judge dated 24.03.2015. The learned Single Judge has dismissed the writ application refusing to give any direction for change in the date of birth of the appellant primarily on the ground that Rule 96 of the Bihar Finance Rules gives a window of opening for any change or correction in the date of birth within ten years of entry in the service. Since the issue raised by the appellant was at the fag end of his



retirement, the learned Single Judge has rightly refused to exercise discretion.

Even otherwise factually when a calculation is done with regard to number of years of service which the appellant had put in it adds up to 42 years then he must have got into service at the age of 18 years.

Since no person is expected to work beyond the age of superannuation which is 60 years that is the additional ground on which this Court is not enthused to accept the submission of counsel for the appellant that any error has been committed by the learned Single Judge in not allowing change in date of birth.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

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CAV DATE	
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