

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18776 of 2010

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Indradeo Paswan S/O Late Jagdeo Paswan R/O Vill. + Post- Tetari, P.S.-
Naugachhia, Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Personal And Administrative Reforms Department, Government Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The District Magistrate, Bhagalpur
4. The Superintendent Of Police, Bhagalpur
5. The Civil Surgeon-Cum-Chief Medical Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sn.Singh
For the Respondent/s : Mr. Nagendra Pd. Yadav, SC 23
: Vijaya Laxmi Srivastava

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-06-2018 The present writ petition has been filed for assailing the incorrect age of the petitioner determined by the Civil Surgeon as 45 years on 16.03.1992. It has been further prayed for considering the date of birth of the petitioner as 01.01.1949 for all purposes.

The brief facts of the case are that the petitioner had joined the services of the Government as *Chowkidar* on 01.01.1990, whereafter he was made to appear before the medical board for ascertainment of his date of birth and the medical board had assessed the age of the petitioner as 45 years as on 16.03.1992, meaning thereby that the date of birth of the petitioner



was sought to be fixed as 16.03.1947.

The learned counsel for the petitioner has submitted that the date of birth as recorded in the school certificate of the petitioner dated 18.04.1969 is 01.01.1949.

Per contra, the learned counsel for the respondents has submitted that the present petition is grossly barred by delay and laches, inasmuch as though the date of birth of the petitioner was assessed by the medical board in the year 1992 and the petitioner also stood retired w.e.f. 31.03.2007, he has belatedly filed the present writ petition in the year 2010. The learned counsel for the respondents have referred to **Rule 96 of the Bihar Financial Rules** to contend that no alteration can take place in the date of birth of a Government servant, once it has been recorded. Infact, the petitioner had not taken any step to assail the decision of his date of birth by the medical board and only in the year 2010 i.e. after a lapse of about 08 years, the petitioner had thought it proper to approach this Court.

I have heard the learned counsel for the parties and gone through the materials on record. I find that once the petitioner had voluntarily appeared before the Medical Board and the date of birth has been ascertained by the medical board in a logical manner, there is no scope for this Court to interfere with



the same, however admittedly, the petitioner did not challenge the said ascertainment of age by the medical board for a period of more than 08 years, hence, at the moment, no relief can be granted to the petitioner since the present writ petition is also barred on the principles of delay and laches and moreover, the petitioner has already stood retired way back in the year 2007.

For the reasons mentioned hereinabove, there is no merit in the writ petition, accordingly the same is dismissed.

(Mohit Kumar Shah, J)

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