

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14087 of 2017

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Md. Shahzeb Khan, Son of Md. Shahjahan Khan, Resident of Village-Kahira,
P.O. Adarchak, Police Station - Dumaria, District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Home Commissioner, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Chairman, Central Selection Board of Constable, Sri Sai Tara Complex
IAS Colony, Jawahar Lal Nehru Marg, Patna.
4. The Central Selection Board of Constable through its Secretary, Sri Sai Tara
Complex, I.A.S. Colony, Jawaharlal Nehru Marg, Patna.
5. The District Transport Officer, Simdega Latehar, State of Jharkhand.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Ram Pravesh Nath Tiwari, Advocate
For the Respondent/s	:	Ruchikar, A.C. to SC-8
For the C.S.B.C. :		Mr. Sanjay Pandey, Advocate Mr. Bindo Kumar Mishra, Advocate Mr. Vivek Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-08-2018

Heard learned counsel appearing for the respective parties.

In the present case, the petitioner has been deprived of consideration for selection of driver constable. As per the petitioner, he had applied against the advertisement No.01 of 2016 for recruitment on the post of driver constable. However, the application of the petitioner has been rejected on the ground



of mismatch of date of birth mentioned in the application form as well as in the driving licence.

Learned counsel for the petitioner submits that the petitioner is a matriculate and in his matriculation certificate issued by the Bihar School Examination Board mentioned his date of birth as 03.06.1987, on that strength he applied for driving licence and in the original driving licence same date of birth i.e. 03.06.1987 has been mentioned, but while renewing the driving licence the authority has committed mistake and wrongly the date of birth of the petitioner has been mentioned as 05.06.1987 in place of 03.06.1987.

From the record, it appears that in the application form the petitioner has mentioned his date of birth as has been mentioned in his matriculation certificate issued by the Bihar School Examination Board. It is well known principle that always the date of birth is known what is mentioned in the certificate of Matriculation and that too in the application form if he gives his date of birth as 05.06.1987 as per renewal of driving licence, then he would have committed mistake as in the matriculate certificate his date of birth has been mentioned as 03.06.1987, inasmuch as, the authority concerned has subsequently rectified the mistake.



In such view of the matter, this Court is of the view that there is no mistake committed by the petitioner as he could not give the date of birth as 05.06.1987 because in that circumstance, there would be another controversy with regard to conflict of date of birth. Hence, the rejection of the application of the petitioner is completely wrong.

At this stage, learned counsel for the petitioner submits that the petitioner has already appeared in the examination and qualified for the post. If that be so, the petitioner should be given appointment on the post of driver constable and place him at the right place.

With the aforesaid observations and directions, this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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