

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12428 of 2001

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Tripura Dutta Jha, S/o Late Tara Dutta Jha, resident of village and P.O. Koilakha, P.S. Madhubani, District-Madhubani, at present living at Quarter No. H/50, Bihar State Electricity Board Colony, Shashtrinagar, Patna-23

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Baily Road, Patna represented through its Chairman, B.S.E.B. Patna
2. The Chairman, Bihar State Electricity Board, Patna
3. The Secretary, Bihar State Electricity Board, Patna
4. The Joint Secretary, Bihar State Electricity Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.P.Srivastava
Mr. Gopal Jha

For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kumar Verma
Mr. Akhileshwar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-06-2018 The petitioner by way of the present writ petition has assailed the decision of the respondents dated 03.09.2001, whereby and whereunder the case of the petitioner for treating his date of birth as 14.5.1944, has been rejected.

The learned counsel for the respondents, referring to the impugned order dated 03.09.2001 has submitted that the said order dated 03.09.2001 is itself speaking, reasoned and a just order and the same does not require any interference by this Court. It is further submitted that the petitioner has voluntarily appeared



before the Medical Board and had taken a calculated chance wherein the Medical Board had assessed the age of the petitioner to be 58-60 years (average 59 years) as on 01.05.1941 and on that basis his date of birth has been fixed at 01.05.1941.

It is apparent from the records that in the earlier round of litigation, this Court by an order dated 05.3.2001 passed in CWJC No. 615 of 2001 had refrained from passing any positive order and the petitioner was permitted to withdraw the writ petition.

Having regard to the facts and circumstances of the case and the uncontroverted fact that the petitioner had appeared before the Medical Board and his age was assessed by the Medical Board whereafter his date of birth was fixed as 01.05.1941, as also the fact that the said assessment of age by the Medical Board has not been assailed in the present proceedings, there is no occasion for any interference in the present case, hence the present petition is dismissed.

(Mohit Kumar Shah, J)

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