

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6077 of 2017**

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Pramod Kumar Yadav son of Late Ramjot Yadav, R/o vill-Gosai Dapur, P.O.-  
Nath Nagar, Dist.-Bhagalpur ... .. Petitioner/s

Versus

1.The State Of Bihar through Principle Secretary, Home Dept.Govt. Of Bihar, Patna  
2.The Principal Secretary, Home Dept.Govt. Of Bihar, Patna  
3.The Superintendent of Police, Rohtas  
4.The District Commandant Bihar Home Guard,Dist.-Bhagalpur  
5.The S.I. Pension Branch, Dist.-Police Office Rohtas ... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sharda Nand Mishra<br>Mr. Dhananjay Kumar Gupta<br>Mr. Rajeev Ranjan<br>Mr. Harish Chandra Patel |
| For the Respondent/s | : | Mr. Md. Nadeem Siraj-Gp5<br>Mr. Shailesh Kumar                                                       |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

14    22-11-2018                      Heard both sides.

In this case the petitioner is challenging the Letter dated 07.03.2017 issued under the signature of the Superintendent of Police, Rohtas by which the information was communicated that in the District Force on the post of sepoy no.346 namely Pramod Kumar Yadav has not superannuated from the service rather Pramod Kumar Yadav has retired on 31.01.2016 as per entry made in the Service Book, where the date of birth of the petitioner has been shown to 10.01.1966. The petitioner was earlier working as a member of Home Guard and there, in the service book, the date of birth has been recorded as 10.01.1966 but while recording the date of birth at the time of entry in the police service in the year 2000 the date



of birth has been as 10.01.1956 so there is a gap of 10 years and accordingly as per the date of birth entered into the service book he has been made to superannuate.

Learned counsel for the petitioner submits that the action of the respondents to superannuate 10 years before is nothing but a premature retirement and illegal termination from the service and makes prayer that he should be reinstated in the service with back wages.

Learned counsel for the State has submitted that he has been made to superannuate as per the date of birth recorded in the service book as he never challenged the entry made in the service book. Now at the fag end of his career or after superannuation he cannot be allowed to challenge the entry made in the service book placed reliance on the case law reported in (2011) 9 SCC 664 of Paragraphs 8 and 17 but the fairness of the state is appreciated as they have brought the master recruitment chart by way of counter affidavit filed on behalf of Senior Superintendent of Police wherein the name of the petitioner is standing at serial no.48 and his date of birth has been recorded as 10.01.1966 bearing his signature. This is an unimpeachable document proves the fact that by mistake the date of birth in the service book has been recorded as



10.01.1966 . The date of birth has already been recorded in the service book of the Home Guard and which is confirmed from the Master Recruitment Chart, there also date of birth has been mentioned as 10.01.1966. So, this Court is of view that the communication made to the petitioner that he has superannuated from service from 31.1.2016 is wrong and the same is set aside and he will be treated to be in service till he reaches to the age of superannuation treating his date of birth as 10.01.1966 as the petitioner has been made to out a case of illegal retirement and this court has interfered with the order impugned and as such this court directs payment of 50% salary from the date of order till the date of his rejoining to the service.

**(Shivaji Pandey, J)**

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