

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16292 of 2006

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Samaun Nabi, son of Abdul Hamid, Resident of Village Bholamati, P.O. and
P.S. Amdabad, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Home Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General, Bihar Military Police (Norther Area), Bihar,
Patna.
5. The Deputy Inspector General, Bihar Military Police, North Division,
Muzaffarpur.
6. The Commandant, Bihar Military Police-7, Katihar.
7. The Superintendent of Police, Katihar.
8. The Bihar School Examination Board, Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Nurul Hoda, Adv. Mr. Durga Nand Jha, Adv.
For the Respondent/s	:	Mr. Chitranjan Sinha, Sr. Adv., PAAG-2 Ms. Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 16-04-2018

Heard learned counsel for the petitioner and counsel for
the State.

The petitioner is seeking correction of his date of birth
as it was informed by Bihar School Examination Board as
5.3.1992 which led to termination of the services of the petitioner
on the ground of providing wrong information to the Department.

The services of the petitioner has been dismissed on
account of incongruent date of birth mentioned by the petitioner
vis-a-vis recorded in the Register of the Bihar School Examination
Board. The petitioner had applied for the post of Constable where



he has given his date of birth as 5.3.1972, was selected in physical and written test, finally, he was asked to deposit his credentials and the certificates which were submitted by the petitioner with respect to showing his date of birth, the matriculation certificate was sent for verification to the Bihar School Examination Board (B.S.E.B.) where the date of birth was recorded as 5.3.1992, led to termination of his service for providing wrong information.

Learned counsel for the petitioner has brought to the notice of this Court that he had passed the matriculation examination in the year 1988 whereas his date of birth has been recorded in the Board as 5.3.1992 which is absurd recording of date of birth by the Bihar School Examination Board.

This Court had issued notice to the B.S.E.B. which has filed counter affidavit wherein in paragraph no.8, it has been stated that the date of birth communicated by the Board was wrong as reflects from the record that the date of birth is actually 5.3.1972. It is relevant to quote paragraph no.8 of the counter affidavit which reads as follows:-

“8. That original Admission register, T.C. Guard file and original Admit card was produced. Thereafter, as per order of the then Chairman of the Board the date of birth of the petitioner was corrected in the tabulation register of the Board as 05.03.72.”



In that view of the matter, the dismissal of the petitioner on account of providing wrong date of birth is completely incorrect statement whereas it appears that the petitioner had given his correct date of birth as 5.3.1972 which has been affirmed by the Bihar School Examination Board. In such circumstances, the termination of the services of the petitioner vide order no. 1456 dated 16.12.2005 is set aside with a direction to the respondents to reinstate the petitioner to the post of Constable, will be treated to have been in service notionally since 16.12.2005 itself, the actual benefit will be given from the date of present order.

With the aforementioned observations and direction, this writ application is allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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