

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1574 of 2015

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Rajendra Ram son of Late Mundrika Ram, resident of village- Maldah, P.S.
Barbigha, District- Sheikhpura

.... Petitioner

Versus

1. The State of Bihar, through the Collector, Nawada, District Nawada
2. The District Animal Husbandry Officer, District Nawada
3. The District Animal Husbandry Officer, Munger, District Munger
4. The Sub-Divisional Animal Husbandry Officer, Jamui, District - Jamui

.... Respondents

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Appearance :

For the Petitioner : Mr. R.K.Rajeev Rao, Advocate
Mr. Manisha Prasad, Advocate

For the Respondents : Mr. Sunil Kumar Mandal SC 3 and
Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-05-2018

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

2. Pursuant to the directions issued in C.W.J.C.No. 23500
of 2014 on 21.7.2014 petitioner's case for correction of his date of
birth from 13.10.1954 to 13.10.1958 has been considered by the
District Magistrate, Nalanda and rejected. This Court finds that the
same has been rejected because the petitioner has not produced
Matriculation certificate or any document other than the cross list
(Annexure 9) and the transfer certificate dated 20.5.1980. It appears
that in these two documents, petitioner's date of birth is mentioned
as 13.10.1958.



3. Order has been passed by the District Magistrate, Nawada referring to the entries made in the Service book as also the entry made in the District Provident Fund office records of the petitioner. These two documents are contemporaneous which show that the petitioner's date of birth is 13.10.1954, however, the cross-register of the Bihar School Examination Board shows that he appeared in the examination of 1976, wherein his date of birth is recorded as 13.10.1958.

4. It will be open for the petitioner to supplement his claim before the District Magistrate, Nawada by placing on record the Matriculation certificate of the examination held in the year 1976. Even if the same shows him "failed", the same would contain the date of birth.

5. The same would form a relevant and reliable basis for considering the petitioner's claim. The same may be produced by the petitioner along with the Transfer certificate and the cross-list before the District Magistrate.

6. If the same is produced with respect to the petitioner's claim the District Magistrate, Nawadah shall decide the claim of the petitioner while doing so the order dated 21.7.2014, which is impugned in the instant writ petition, shall not stand in the way of



the District Magistrate in deciding the claim of the petitioner. The entire exercise would be completed by the respondent authority within four weeks after the submission of the petitioner’s claim with copy of Matriculation certificate and any other documents/evidence which the petitioner may submit along with a copy of this order.

7. The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
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