

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1853 of 2016

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Shiv Kumar Chaupal son of Late Thakko Chaupal, resident of Village-
Kadwara, P.S.- Jamalpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Building Construction Department, Darbhanga.
4. The Executive Engineer, Building Construction Department, Darbhanga.
5. The Accountant General (A & E), Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Manish Kr No 13, Rohit Kr, Advocates
For the S t a t e	:	Mr Anil Kr Singh, GP XXVI
For the A G	:	Mr Anjani Kr Sharan, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 24-01-2019

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

2 It is submitted by the petitioner's counsel that as per the Matriculation Certificate dated 24.12.1980, the petitioner's date of birth is 11.04.1957. This fact has been brought to the notice of the Authorities on 04.12.2015 much prior to his retirement which has been made effective from 31.01.2016 treating his date of birth to be 11.01.1956.

3 The respondents, in the counter affidavit, have submitted that since the Matriculation Certificate and Admit Card



were submitted by the petitioner for the first time on 03.09.2012 and the matter was agitated on 04.12.2015 just a month before his retirement and that too after applying his post retirement benefits, they inferred that there was some manipulation on the part of the petitioner.

4 Such inference has been drawn since there were two different dates of birth of the petitioner. As per the Admit Card, the date of birth was 11.04.1956. However, as per the Matriculation Certificate dated 24.12.1980, his date of birth is 11.04.1957. The stand of the respondents is clear that upon “inference of some manipulation”, the petitioner’s claim has been rejected. The petitioner’s claim on the basis of Matriculation Certificate dated 24.12.1980 issued much prior to his joining on 03.08.1985 was required to be verified once it had been submitted. Merely upon inference of some manipulation, the claim could not have been rejected.

5 In the circumstances, learned counsel for the petitioner submits that the petitioner would be producing his original Matriculation Certificate dated 24.12.1980 (copy at Annexure 1) before respondent No 4.

6 In the event, the same is produced, the Authority would be obliged to enquire and verify the authenticity of the



certificate from the Issuing Authority and consider the petitioner's claim in light of such verification.

7 Learned counsel for the petitioner submits that he would not be claiming any salary in the event, his date of birth is shifted back. However, he would be staking his claim for counting length of additional service for grant of other consequential benefits. Even this benefit can only be made to the petitioner once the verification is done by the authorities.

8 Let the verification be done from the Issuing Authority within three months from the date of receipt/production of original Matriculation Certificate before the Authority (respondent No 4) along with a copy of this order. If the Matriculation Certificate is submitted, the same shall be verified and consequential orders be passed in accordance with law within four weeks thereafter.

9 Writ petition is disposed of with the aforesaid directions.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2019
Transmission Date	NA

