

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2624 of 2016

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Md. Ghulam Nabi Ansari Son of Late Md. Quddus resident of village -
Koilar, P.S. Koilar, District - Bhojpur ... Petitioner
Versus

1. The State Of Bihar
2. The Director General of Police, Bihar
3. The District Officer, Bhojpur
4. The Superintendent of Police, Bhojpur
5. The Sub - Divisional Police officer, Bhojpur

... .. Respondents

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Appearance :

For the Petitioner : Mr.Harish Kumar, Advocate
For the Respondents : Mr.Ashok Kumar Choudhary- AAG13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Petitioner was made to retire from his service as a constable on 31.5.2015. The same has been done since service book records petitioner's date of birth as 16.5.1955.

Case of the petitioner is that when he discovered that the date of birth entered in the service book was wrong he approached the authorities by making a representation on 23.3.2015. The petitioner highlighted the fact that matriculation certificate of the petitioner issued in 1970 records his date of birth as 16.7.1955. It is his case before the authorities that due to a mistaken entry of date of birth in his service book he cannot be deprived of performing his duty in the State Government till



attaining the age of superannuation on 31.7.2015.

Claim of the petitioner was verified by the Superintendent of Police, Bhojpur from the Bihar School Examination Board, Patna. The petitioner has annexed the response of the Bihar School Examination Board dated 30.5.2015 in support of date of birth as claimed by the petitioner. Same has affirmed genuineness of the matriculation certificate which is being relied upon by the petitioner to assert his date of birth as 16.7.1955.

The petitioner complains that in spite of entire exercise having been completed by the authorities the benefits of verification has not been extended to him.

No counter affidavit has been filed till date in the matter. Since the decision is to be taken by respondent no.4 upon the record submitted by the Bihar School Examination Board on 30.5.2015 no useful purpose would be served by keeping the instant proceeding pending.

Writ petition is disposed of with a direction to The Superintendent of Police, Bhojpur (respondent no.4) to now take a final decision on the petitioner's claim taking into consideration response of the Board dated 30.5.2015. If there is no other impediment and if verification is considered favourable



to the petitioner, then the benefits of the remaining two months of service in between 31.5.2015 to 31.7.2015 by counting the same as his length of service for all purposes except actual payment of salary for the said period, be extended to the petitioner by respondent no.4 within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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