

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16430 of 2013

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Lakhan Sada Son Of Late Borhan Sada Resident Of Village Pekaha P.S.
Kodha District Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department Of Welfare, Government Of Bihar,
Patna
3. The Director I.C.D.S. Bihar, Patna
4. The District Magistrate, Araria
5. The Additional Collector, Araria
6. The C.D.P.O. Raniganj District Araria
7. The C.D.P.O. Barhara District Bhojpur
8. The C.D.P.O. Maner District Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate
For the Respondent/s : Mr.Dhurjati Kr Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-06-2019

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

It is one of the case in which there is dispute whether the
person is still alive or is dead. As per the State, Lakhan Sada had
died and to that extent, the entry has been made in the service.

Counsel for the petitioner submits that he is still working
and discharging the duty.

If the person has died, there cannot be any existence in
this world. In the service book, a description of Lakhan Sada has



been given that Lakhan Sada was 4.6”, whereas the present petitioner, who is claiming to be Lakhan Sada is 6 feet. So, on that count, a claim has been made by the State that the person, who is claiming to be Lakhan Sada is not the real person, but he is impersonating Lakhan Sada inasmuch as record also shows that he used to remain absent and he comes to the office very seldom and put his attendance over the entry made about his absence. These factual matters cannot be examined in the present case.

Let the District Magistrate, Araria examine the matter as to whether the person, who is claiming to be Lakhan Sada is the same person or he is impersonating. If it is found that the person is fraudulent person, legal action should be taken against him, but in the event, he is found to be genuine, in such circumstances, he should be allowed to join and whatever his legal dues is available as per law that will be paid to him.

With this observations and directions, this writ petition stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.06.2019
Transmission Date	N.A.

