

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8832 of 2019

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Ramdev Mallik @ Ramdeo Mallik, male, aged about 52 years, S/o Sukhdev Mallik, Resident of Gangjala, Ward No.19, Behind Bus Stand, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Saharsa.
3. The Nagar Parishad, Saharsa through Executive Officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyamlendra Kumar, Adv.
For the State : Mr. Kinkar Kumar, SC-9
For Respondent Nos. 2-3: Mr. Abhay Shanker Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 26-04-2019

The petitioner has challenged the order dated 29.03.2019 passed by the Chief Executive Officer, Saharsa Municipality, whereby the petitioner has been made to retire with effect from 30.04.2019.

2. The learned counsel for the petitioner has submitted that the petitioner has wrongly been held to have



completed 60 years of age by the concerned respondent.

3. However, looking at Annexure-2 to the writ petition, it becomes very clear that on 15.04.2014, the age of the petitioner was fixed at 55 years as the Medical Board had suggested that he would be between the age group of 50 to 55 years. This assessment was accepted by the petitioner and, thereafter, he, as directed, joined and started rendering his services. No challenge was ever made by the petitioner to the aforesaid assessment of age on 15.04.2014 or 11.06.2014, when such order was passed.

4. Apart from this, during the course of argument, it came to light that the petitioner had earlier approached this Court *vide* C.W.J.C. No. 4327 of 2014 for similar relief and since there was no record of his age, it was only under the direction of this Court that he was subjected to medical test. Thereafter, a M.J.C. was also filed by the petitioner.

5. None of the aforesaid facts have been stated in the writ petition; rather it has been submitted by the learned counsel for the petitioner that no case was filed



earlier with respect to the aforesaid claim of the petitioner.

6. The manner in which this case was argued gives an impression to this Court that the learned counsel for the petitioner is a young member of Bar and is practically unaware of the implications which may follow because of wrong statements made in the writ petition. However, after having realized that he was not provided with correct information and this Court has no reason to disbelieve such statement, he is permitted to withdraw the present petition.

7. The petition is dismissed as withdrawn.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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