

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.354 of 2020

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Durga Choudhary Son of late Bigan Choudhary, Resident of Village- Parsawan khurd, Bankey Bazar, Police station- Raushanganj, District- Gaya, At Present Posted and Working as Headmaster in Govt. Middle School Rohi, Anchal- Barachatti, District- Gaya. Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Director, Primary Education, Education Department, Bihar, Patna.
 4. The District Magistrate, Gaya.
 5. The District Education Officer, Gaya.
 6. The District Programme Officer (Establishment), Gaya.
 7. The Block Education Officer, Block- Barachatti, District- Gaya.
 8. The Headmaster, Jagganath High School Juri, Bankey Bazar, Gaya.
 9. The Secretary, Bihar School Examination Board, Bihar, Patna.
 10. The Chairman, Bihar School Examination Board, Bihar, Patna.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-01-2020 Heard both sides.

Petitioner in this writ petition seeks following reliefs:-

(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to correct the date of birth of the petitioner as 06.01.1962 instead of 06.01.1960, which is due to clerical error by the clerk of Jagganath High School Juri, Bankey Bazar, Gaya and for that the petitioner cannot be made to suffer, as from the admission register of Class-VIII of the petitioner, it is evidently clear that his actual date of birth is 06.01.1962.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing



the respondent authorities concerned to correct the date of birth of the petitioner in matriculation certificate and other certificates as 06.01.1962 instead of 06.01.1960 and by correcting the same, the petitioner's services may kindly be extended for further two years, as due to wrong calculation of his age, he is going to retire two years before from his actual date of retirement and his date of birth for the purpose of his service may kindly be calculated as 06.01.1962 instead of 06.01.1960.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent District Education Officer, Gaya and the District Programme Officer (Establishment), Gaya to dispose of the representation of the petitioner by reasoned and speaking order by extending the services of the petitioner for further two years on the basis of actual/correct date of birth of the petitioner i.e. 06.01.1962 instead of 06.01.1960 and extend the services of the petitioner.

(iv) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.

Learned counsel for the petitioner submits that the date of birth of the petitioner is 06.01.1962 but due to inadvertence of the Clerk of Jagganath High School Juri, Bankey Bazar, Gaya, the date of birth of the petitioner was mentioned in the matriculation certificate as 06.01.1960. The petitioner passed matriculation examination in the year 1979 from Bihar School Examination Board and Intermediate Examination from Magadh University, Bodh Gaya. The



petitioner passed Graduation and M.A. examination in the year 1985 and 1989 respectively from Magadh University, Bodh Gaya. The petitioner was appointed in the year 1994 on the post of teacher and he joined on 21.09.1994 in the Government Middle School, Brinda, Anchal-Barachatti, Gaya. The petitioner filed petition for correction of his date of birth.

From the facts, it appears that the petitioner claimed rectification of his date of birth in the matriculation certificate and other records on the basis of date of birth mentioned in the School Register, Jagganath High School Juri, Bankey Bazar, Gaya. The petitioner did not raise objection for many decades with regard to his date of birth and now when the petitioner is at the verge of retirement, the petitioner filed petition for correcting his date of birth in the matriculation certificate as well as in the service records. As such, at belated stage, the date of birth mentioned in the matriculation certificate cannot be allowed to be altered.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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