

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1399 of 2020

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Rajeshwar Singh S/o Ramdeo Singh Presently resident of Family Quarter, B.M.P.-5, Block-C, P.S.-Airport, Distt.-Patna and Permanent resident of Vilalge-Ram Singh Chatauni, P.S.-Rupdih, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Deptt. Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commandant, B.M.P.-5, Patna.
4. The Commandant, B.M.P.-14, Patna.
5. The Head Master, Gopal Sah + 2 School, Motihari, East Champaran (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate
For the Respondent/s : Mr Md Irshad, AC to SC I

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioner and the respondent-State.

Learned counsel for the petitioner submits that, due to inadvertence, the Authorities have recorded his date of birth as 1960 instead of 1964, which is his correct date of birth. On account of such error, he is likely to be retired prior to his due date as per his genuine date of birth.

The petitioner was appointed as a Constable in the year, 1989. He submits that in 1991 itself, he had submitted his application before the Commandant, Bihar Military Police –



XIV raising this issue and seeking rectification of his date of birth on the basis of the contemporaneous document issue by the concerned School showing his correct date of birth. The submission is that till date, no order has been passed on the representation of the petitioner.

Learned counsel for the State submits that from the averments made in the writ petition, it is apparent that the Authorities have proceeded to verify the petitioner's claim for correction in the date of birth and that due consideration would be in accordance with law.

Considering the rival submission, since no adjudication is required in the instant proceedings and the decision has to be taken by the Commandant (Respondent No 4), pendency of the instant writ petition would be futile.

Writ petition is disposed of with a direction to Respondent No 4 to take a final decision on the representation of the petitioner dated 12.06.1991 (Annexure 1) 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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