

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7415 of 2021

1. Siyaram Singh S/o- Late Ram Vilas Singh Resident of Village- Titai Bigha, P.S.- Paras Bigha, District- Jahanabad.
2. Vinay Singh S/o- Late Nandlal Singh Resident of Village- Nisarpura, P.S.- Kako, District- Jahanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Inspector General, Bihar Home Guard and Fire Services, Bihar, Patna.
4. The Deputy Inspector General-cum- Commandant General, Home Guard and Fire Services, Bihar, Patna.
5. The Commandant, Bihar Home Guard Directorate, Patna.
6. The District Commandant, Bihar Home Guard, Jahanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas
For the Respondent/s : Mr. Suman Kumar Jha (AC to AAG-3)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 10-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

“That the present writ petition is being filed for issuance of an order, direction or a writ in the nature of mandamus commanding the respondents concerned to correct/modify the discrepancy of date of birth of the petitioners in view of order



contained in memo No. 2252 dated 10.06.2020 and pay the all consequential benefits thereafter and for gnat of any other reliefs to which the petitioners may be found entitled to in the feats and circumstances of the ease.”

Petitioner no.1 joined service on 07.10.1979 and petitioner no.2 joined service on 25.11.1979. They are seeking for rectification of date of birth in the service record. For the first time, they have submitted representation on 09.11.2019 i.e., just after few days of their retirement from service.

Apex Court, time and again, held that belated claim for correction of date of birth of an employee cannot be entertained. In the following decisions, it is held that entertaining belated litigation in respect of correction of date of birth is deprecated:

“(I) Union of India & Another vs. Shashank Goswami & Another reported in 2012 (11) SCC 307.

(ii) Shreejith L. vs. Deputy Director (Education) Kerala and Others reported in 2012 7 SCC 248.



(iii) Dhalla Ram vs. Union of India And Others reported in 1997 (11) SCC 201.

(iv) State of Uttar Pradesh and Others vs. Premlata reported in 2022 (1) SCC 30.”

In fact, petitioners had 10 years time to rectify their date of birth in the service record as and when they have joined service. On the other hand, for rectification of date of birth, their grievance has been sought to be redressed only after their retirement. In the light of these facts and circumstances, the petitioners have not made out a case.

Hence, writ petition stands dismissed.

At this juncture, learned counsel for the petitioners seeks permission to withdraw the writ petition.

Accordingly, writ petition stands dismissed as withdrawn.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2022
Transmission Date	NA

