

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16394 of 2015

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Sudha Kumari daughter of late Baldeo Narayan Pandey resident of Mohalla Gandhi Nagar, Ramana near Gurudwara, Ward No.3, Police Station, Town and District Motihari, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Director, Health Services, Government of Bihar, Patna.
3. The Civil Surgeon-cum-Chief Medical Officers, District Motihari, East Champaran.
4. The Incharge Medical Officer, Chiraiya, District Motihari, East Champaran.
5. The Bihar School Examination Board, Patna through its Chairman.
6. The Secretary, Bihar School Examination Board, Patna.
7. The Headmaster, Government Tirhut Vidyalaya Mehsi, District East Champaran.
8. The Headmaster, Gopal Sah Vidyalaya, Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr. M.K. Sinha- SC 1

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

Date : 13-05-2022

This matter is heard *via* video conferencing.

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

“(i) That an appropriate writ may be issued commanding upon the Respondent Nos. 5 and 6 to take necessary step to correct the date of birth of the petitioner in the original Matriculation certificate according to the record of the school through which she appeared in the matriculation examination as private candidate.

(ii) That an appropriate writ may be issued commanding upon the Respondent



No. 3 and 4 not to take any coercive step against the petitioner during the pendency of the writ petition.

(iii) That any other relief/reliefs may be granted to the petitioner for which she is found entitled to.”

The petitioner was selected and appointed to the post of ANM with the official respondent Health Department on 07.08.1980. As on the date of entry into service prescribed qualification was not matriculation. Petitioner has passed matriculation in the year 1985. The petitioner date of birth has been entered as 05.05.1959 as she had joined service in the year 1980. In the matriculation certificate date of birth has been shown as 27.08.1954. Her grievance is to rectify the date of birth in the matriculation certificate from 27.08.1954 to 05.05.1959. The issue relating to correction of date of birth in the matriculation certificate is a disputed fact for the reasons that petitioner must have furnished date of birth as 27.08.1954 while taking up the matriculation examination, therefore, Matriculation Examination Board have taken note of the date of birth as 27.08.1954. If the petitioner intention was to rectify the date of birth in that event petitioner has a remedy for filing a suit before the appropriate forum. In other words, disputed facts cannot be entertained as held by the Hon'ble Apex Court in the case of ***Bharat Coking Coal Ltd. and Ors. vs. Chhota Birsa***



Uranw reported in **(2014) 12 SCC 570**, therefore, the petitioner has not made out a case.

Accordingly, the present petition stands disposed of re-serving liberty to the petitioner to invoke appropriate remedy in accordance with law.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

