

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.460 of 2019

In
Civil Writ Jurisdiction Case No.6077 of 2017

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Pramod Kumar Yadav S/o Ramjot Yadav Resident of Village-Gosai Dapur,
P.O. and P.s.-Nath Nagar. District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Home Dept. Govt. of Bihar, Patna
2. The Principal Secretary Home Dept. Govt. of Bihar, patna
3. The Superintendent of Police Rohtas
4. The District Commandant Bihar Home Guard, Distt.- Bhagalpur
5. The S. I. Pension Branch, District Police Office, Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Prabhat Kumar Verma (Aag3)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-12-2022

Re:- I.A No. 01 of 2019

Heard I.A No. 01 of 2019 for condonation of delay in Filing L.P.A. For the reasons stated in the application and affidavit, delay of 111 days in filing L.P.A is condoned. I.A stands allowed.

Core issue involved in the present *lis* is whether appellant is entitled to rectify his date of birth from 10.01.1956 to that of 10.01.1966 or not? It is learned that he was initially



appointed as a Home Guard in the year 1989. At the relevant point of time his date of birth has been recorded as 10.01.1966. Thereafter, he was directly appointed to the post of Sepoy/Constable pursuant to the advertisement issued on 28.08.1988 on 26.05.2000 in the Bhagalpur District. He has been retired on 31.01.2016 with reference to the date of birth as 10.01.1956. At this stage, appellant came to know his date of birth has been wrongly recorded as on 10.01.1956 in stead of 10.01.1966. Ordinarily employee's date of birth would be recorded at the time of joining service. Even, in the select list of date of birth is being shown, service record maintained by the employer duplicate copy would be provided to an employee. Further date of birth would be reflected in the provisional or final seniority list of the cadre in which petitioner has entered into namely Constable.

The appellant is hereby directed to file an affidavit that in the aforesaid documents, date of birth of an employee has not been shown so also, during his entire service from 26.05.2000 till 31.01.2016 he had no occasion to have the benefit of recording of date of birth as 10.01.1956. In this regard, the appellant is hereby directed to file a detailed affidavit. He is also hereby directed to produce relevant



aforementioned documents, if it is available and if it is not available he has to make very specific statement that such documents are not made available by the employer.

At this stage, learned counsel for the appellant seeks permission to withdraw this petition. Accordingly, present L.P.A stands dismissed as withdrawn.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

shoaib/-

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CAV DATE	
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