

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7608 of 2020

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Ramanand Raut Son of Late Shankar Raut Resident of Village-Mirjapur, P.S.-
Bettiah (Muffasil), District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Director General-Cum-Commandant General, Bihar Home Guard,
Bihar, Patna.
3. The Additional Commandant General, Bihar Home Guard, Bihar, Patna.
4. The Deputy Director General, Bihar Home Guard, Bihar, Patna.
5. The Commandant, Bihar Home Guard, Head Quarter, Bihar, Patna.
6. The Divisional Commandant, Bihar Home Guard, Bihar, Patna.
7. The District Commandant, Bihar Home Guard, West Champaran Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mr. Saroj Kr. Sharma, AC to AAG-3

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

Date : 21-02-2022

Heard learned counsel for the parties.

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

*“This writ petition is being filed
for issuance of a direction/order or an
appropriate writ directing the*



respondents authorities nos. 2 and 7 to consider the representation of petitioner which was given before the Director General-cum-Commandant General, Bihar Home Guard, Bihar Patna in which petitioner was wrongly removed from the service on 31.12.2019 after attaining age of 60 years but the petitioner was not attaining his age of 60 years on 31.12.2019 because the age of petitioner was mentioned in the office register of Bihar Home Guard office, Bettiah i.e., 07.11.1966 and according to date of birth, the petitioner is to be retired on 31.12.2025.”

Despite giving sufficient time, the petitioner-counsel could not apprise this Court what is the date of birth entered in the service record. On the other hand, he is keep on harping that date of birth is 07.11.1966 with reference to matriculation certificate and ID card whereas petitioner has been retired from service w.e.f. 31.12.2019 instead of 31st December,



2025. The petitioner has not questioned the validity of date of birth entered in the service record. The petitioner has been retired from service w.e.f. 31st December, 2019 with reference to date of birth entered in the service record. In the light of these facts and circumstances, the petitioner is not entitled to alter his date of birth from the existing date of birth to that of 07.11.1966 after his retirement from service. Apex Court in the following three decisions held that Courts/Tribunals must be very slow in interfering with the correction of date of birth of an employee in the service record. These decisions are as follows:

(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. Deputy Union of India And Others reported in 1997 (11) SCC 201.

It is observed that at the fag end of service, an employee is not entitled for correction of his or her date of birth. In the light of these facts and circumstances, the petitioner has not made a case.



Hence, writ petition stands dismissed on the ground of delay and laches in seeking to rectify the date of birth in the service record.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2022
Transmission Date	NA

