

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10492 of 2020

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ASHMINA BANO W/o Lt. Ushman, Resident of Mohalla- Alamganj,
Sarvoday Sanik School, P.s.- Alamganj, Patna-7

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation Budha Marg, Patna through its Commissioner, having office at Budha Marg, Patna
2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Budha Marg, Patna
3. The Additional Municipal Commissioner (Revenue) Patna Municipal Corporation, Budha Marg, Patna
4. The Executive Officer, Azimabad Circle, Patna Municipal Corporation, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 11-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

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

“I. For quashing the order contained in letter no. 1160 dt. 8.11.2019 (Annexure – 2) issued by Resp no. 4 by which petitioner has been illegally made to retire on 29.02.2020 considering her date of birth as 12.02.1960 although her correct date of birth as already mentioned in school certificate is 15.01.1964.

II. For directing the respondent authorities to modify/correct the date of birth of petitioner as 15.01.1964 which has been wrongly mentioned in the service book as 12.02.1960 and thereafter direct the respondent authorities to allow the petitioner to work on the post of Safai Mazdoor.



III. For directing the respondent authorities to pay the entire due salary of the petitioner which is due as she has been wrongly made to retire w.e.f 29.02.2020.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for grant of any other reliefs to which the petitioner may be found entitled under the facts and circumstances of the case.”

3. Short question for consideration in the present petition is whether petitioner is entitled to correct her date of birth from 12.02.1960 to that of 15.01.1964 at this distance of time, having regard to the fact that she was appointed in the year 2002. Apex Court time and again held that employee is not entitled to correct his or her date of birth at the fag end of his/her service.

4. Accordingly, the petitioner has not made out a case so on the ground of delay and laches so as to interfere with the order dated 08.11.2019 (Annexure 2) issued by the Respondent No. 4 in retiring the petitioner with effect from 29.02.2020.

5. With the above observation, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

