

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.464 of 2021

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Shambhu Singh Son of Harivansh Narayan Singh, Resident of Atapur, Ward
No. 11, P.S. Hasanpur, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home,
Government of Bihar, Patna.
2. The Additional Chief Secretary, Home Government of Bihar, Patna.
3. The Director General cum Commandant General, Home Guard, Bihar,
Patna.
4. The D.I.G. cum Deputy Commandant General, Home Guard, Bihar, Patna.
5. The Commandant, Home Guard, Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 13-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

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

*“(i) To issue an appropriate
writ, order or direction to the Respondent
to make necessary correction in the
service records of the petitioner with
respect to the Date of birth of the
petitioner from 01.01.1961 to 01.01.1963.*

*(ii) To issue further appropriate
writ, order or direction commanding the
Respondent Director General cum
Commandant General, Home Guard/The
Commandant, Home Guard, Samastipur*



that after making necessary correction of Date of Birth in the service records of the petitioner; allow the petitioner to work and retire on 31.12.2022 instead of 31.12.2020.

(iii) This Hon'ble Court may adjudicate and hold that the Respondents have no authority to make any change in arbitrary manner in the Date of Birth of the petitioner in his service records that too without any prior information/Notice or intimation.

(iv) This Hon'ble Court may adjudicate and hold that the action of the Respondent in making any change in arbitrary manner in the Date of Birth of the petitioner in his service records is an act of malafide and arbitrary exercise of the power/authority by the Respondents.

(v) This Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.

(vi) To grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case."

Petitioner has joined service on 21.11.1984 and he has been retired on 31.12.2020. His grievance is that he is entitled to correct his date of birth from 01.01.1961 to 01.01.1963. The petitioner is not entitled for correction of date of birth at the fag end of his service. Hon'ble Apex Court in a number of cases held



that correction of date of birth at the fag end of service is not permissible. For correction of date of birth, employee must get it corrected at the earliest point of time as and when he joined the service i.e. within a period of three years from the date of joining service.

In the light of these facts and circumstances, the petitioner is not entitled to correct his date of birth in service record at the fag end of service. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

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

