

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1435 of 2021

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Chandrika Prasad Son of Barahan Yadav Resident of village- Singarpur, P.s.-
Chanan, District- Lakhisarai (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Director General -cum- Commandant General, Bihar Home Guard,
Bihar, Patna
4. The Superintendent of Police, Lakhisarai
5. The District Commandant, Home Guard, Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate.
For the Respondent/s : Mr. Manish Kumar, GP 4

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

Date : 24-01-2022

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. In the nature of “Mandamus” directing
and commanding the respondent authorities to amend
the date of birth of the petitioner in departmental
Roll/documents which has been reflected as 19 years at
the time of recruitment giving date of birth as 12-01-
1961 to 12-01-1966 in accordance with the
matriculation certificate.

II. In the nature of mandamus directing and
commanding the respondent authorities not to retire
the petitioner before the age of superannuation as has



been conveyed orally that petitioner shall be retiring in the month of December, 2020.

III. For any other relief for which the petitioner is entitled in the fact and circumstances of the instant case.”

3. Short question for consideration in the present petition whether petitioner is entitled to alter his date of birth from 12.01.1961 to that of 12.01.1966 with reference to matriculation certificate or not? Undisputed facts are that the petitioner joined service on 15.10.1980. For correction of date of birth in the service record, he had submitted representation for the first time on 05.10.2020. In the light of these facts and circumstances read with the Apex Court decision that an employee is not entitled to correct his date of birth in the service record at the fag end of his service. The petitioner has not apprised this Court as to how to overcome the delay and laches from the date of joining service i.e. 15.10.1980 and within a reasonable period of three years from the date of joining that he had made efforts to correct his date of birth by means of representation or application, therefore, the petitioner is not entitled to correct his date of birth at the fag end of his service.

4. Accordingly, writ petition stands dismissed.

5. At this juncture, learned counsel for the petitioner submitted that petitioner had no knowledge of date of birth entered in the service record. Petitioner being a Home Guard, he must be



aware of date of birth entered in the service record during the intervening period from 1990 to 1993 or further. In the light of these facts and circumstances, the contention of the petitioner’s counsel that the petitioner was not aware of entry of date of birth in the service record cannot be appreciated.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
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