

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.537 of 2021

In
Civil Writ Jurisdiction Case No.24406 of 2018

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Akhilesh Kumar son of Late Ram Chandra Prasad @ Ram Chandra Ram
resident of G.O.P.D Quarter No. 2 P.M.C.H, Patna Bankipur, P.S.- Pirbahor,
District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Old Secretariat Patna.
3. The Director in Chief, Bihar, Health Services Bihar, Old Secretariat, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.S.D. Yadav (AAG 9)
	:	Mr. Nagendra Kumar (AC to AAG 9)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 21-02-2022

1. The present appeal is directed against the order dated 24.03.2021, passed by the learned Single Judge of this Court in C.W.J.C. 24406 of 2021.

2. Apparently, a writ petition bearing C.W.J.C. no. 24406 of 2021 was filed by the writ petitioner for directing the respondents to correct the date of birth mentioned in his service



book which was wrongly mentioned as 23.07.1959, instead of 23.07.1964, as per the age assessed by the Medical Board and accordingly, the petitioner had further prayed to preclude the respondents from retiring the petitioner on 31.01.2019 instead of 31.07.2024.

3. The learned Single Judge, by the impugned order dated 24.03.2021, has non-suited the petitioner on the ground that the writ petition has been filed belatedly only on 15.12.2018, after he received the notice informing him that he is going to be superannuated w.e.f. 31.01.2019 i.e. after 30 years of him joining service.

4. It would be apt to reproduce the operative part of the impugned order dated 24.03.2021 hereinbelow :-

“ It appears that in the service book, the entry of date of birth is 03.01.1959 and the petitioner has approached this Court by way of filing writ application on 15.12.2018 when he received notice about his date of superannuation as 31.01.2019 vide memo no. 1276 dated 08.02.2018 (Annexure B to the counter affidavit of respondent no. 4) for correction of entry in the service book of the petitioner.

Considering the fact that the petitioner has claimed about wrong entry of his date of birth



in the service book after 30 years of service and now prays for correction of the same at this belated stage, this Court is not inclined to grant any indulgence to the petitioner.

The writ petition stands dismissed.”

5. The learned counsel for the appellant, though has argued vehemently, but has not disputed the fact that the appellant has sought correction of his Date of Birth, as mentioned in his service book, after a lapse of more than 30 years, inasmuch as he had entered the services of the respondents on 23.07.1987, when the service book was opened and the Date of Birth of the appellant was entered therein.

6. We have heard the learned counsel for the parties and perused the materials available on record and find that it is a well-settled law that an employee cannot seek correction in the Date of Birth at the fag end of his services. In this regard, it would be apt to refer to a judgment rendered by the Hon'ble Apex Court in the case of ***Bharat Coking Coal Limited and others v. Shyam Kishore Singh***, reported in (2020) 3 SCC 411, as also the one reported in (2021) SCC Online SC 767 (***Karnataka Rural Infrastructure Development Limited v. T.P. Natraja and others***).

7. Having regard to the facts and circumstances of the



case and for the reasons mentioned hereinabove, we do not find any infirmity in the impugned order dated 24.03.2021, passed by the learned Single Judge of this Court in C.W.J.C. 24406 of 2021.

8. Accordingly, the Letters Patent Appeal stands dismissed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
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