

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 842 of 2020

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Vasudeo Ray @ Vasdev Rai Son of Late Mahendra Ray, Resident of Village-
Chaksakra, P.S. Sadar Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Department
2. The District Superintendent of Police Vaishali at Hajipur.
3. The District Commandant Bihar Home Guards, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Vasant Vikas, Advocate

For the Respondent/s : Mr Sanjay Kumar Ghosarvey, AC to AAG III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 **16-08-2022** Heard learned counsel for the petitioner and the respondents.

The petitioner's date of birth, as per paragraph 13 of the counter affidavit, is 01.01.1955. Reference to the date of birth is having regard to the relief prayed for in the instant writ proceedings for allowing the petitioner to work on his respective original post. Petitioner was working as a Home Guard and was arrested in connection with Hajipur Sadar Police Station Case No 361 of 2018 and it is the counsel's submission that after his release, he be allowed to resume his work. The fact that the petitioner's date of birth is 01.01.1955, as per statement made in paragraph 13 of the counter affidavit, however is not denied or disputed by the petitioner. The age of retirement is 60 years is



also not disputed.

In view of these undisputed facts, in 2019, the petitioner would be 64 years and he has approached this Court for a direction to allow him to resume his duties treating him to be in continued service. Such direction cannot be issued having regard to the fact that, admittedly, the petitioner has crossed the age of superannuation on attaining 60 years, based on his date of birth dated 01.01.1955, in the year 2015 itself.

This writ petition is dismissed.

(Madhuresh Prasad, J)

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