

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8852 of 2016

Hari Shankar Singh son of Late Raghuvir Singh Resident of Village-
Bankatwa, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Sichaibhawan, Patna
2. The Chief Engineer, Balmiki Nagar, Water Resource Department, Kachhari Road, Motihari, District- East Champaran.
3. The Executive Engineer, Irrigation Division, Motihari, district- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate
	:	Mrs. Rashmi Jha, Advocate
For the State	:	Mr.Satya Vrat, A.C. to G.P.-10

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 08-12-2023

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. The present writ application has been filed for a direction to the respondents to retire the petitioner on the basis of date of birth entered as 09.11.1956 in the service book at the time of entry in service book and not treated the date of birth of birth of the petitioner as 09.11.1954 which is recorded in the Madhyama Certificate of the petitioner issued by the Sanskrit Shiksha Board. Further submits that the Board has recorded the wrong date of birth i.e. 09.11.1954 in place of 09.11.1956 as mentioned in the service book of the petitioner.



3. Learned counsel for the State, on the other hand, on the basis of material available on the record and referring the counter affidavit, submits that the petitioner has stated before the Authority stating therein that my date of retirement is calculated on the basis of Madhyama Certificate which suggests that the date of birth of the petitioner is 09.11.1954. It is settled principle that the date of birth of any employee is calculated on the basis of the certificate furnished by the employee. In the present case, it is admitted position that the date of birth of the petitioner is recorded in his Madhyama Certificate is 09.11.1954, so the respondent No.3 has rightly retired the petitioner from his service on the basis of date of birth as mentioned in the Madhyama Certificate is 09.11.1954.

4. In view of the aforesaid, this writ application has no merit and the same is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
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