

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6635 of 2021

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Mritunjay Kumar Son of Late Sanjay Kumar Resident of Village - Sukiyama,
P.S. - Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through, the Director General of Police Bihar, Patna.
2. The Inspector General of Police (Budget / Appeal / welfare) Bihar, Patna.
3. The Superintendent of Police, Sheikhpura.
4. The Superintendent of Police, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Adv.
For the State	:	Mr. Ajay Kumar AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-07-2023

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

2. On mentioning slip being filed for priority listing, the
matter has been listed today under the heading ‘To be
Mentioned’.

3. The petitioner’s father died while in service of the
Bihar police on 23-10-2013. He was posted as a constable. The
petitioner’s mother had given a date of birth of the petitioner as
10-01-2000 and on that basis the petitioner was found to be aged
more than 12 years and appointed as a “Child Constable” under
a scheme of the State of Bihar. On attaining majority under the
scheme, the person is entitled to apply and be



considered for regular appointment. It is, at this juncture, when the petitioner had submitted a certificate in respect of his Matriculation Examination and 12th Examination, on account of which a discrepancy has emerged in the date of birth earlier furnished by the petitioner and these certificates. In these certificates, his date of birth is recorded as 04-01-2001.

4. The learned counsel for the petitioner submits that the contemporaneous documents (birth certificate) issued on 20-01-2001 bears the petitioner's date of birth as 04-01-2001 . In support of his contention, copy of the birth certificate has been enclosed as Annexure 4 to the writ petition. Relying on the same, and the Matriculation Certificate, he submits that his date of birth is to be considered as 04-01-2001.

5. The learned State Counsel, on the other hand, submits that if this date of birth is considered as the correct date of birth today, his appointment as a Child Constable on 05-01-2016, will suffer from illegality as it would be considered as having been appointed below the age of 12 years.

6. Counter affidavits have been filed on behalf of the respondent No. 3 and 4.

7. This Courts finds that the date of petitioner's



appointment, as per the counter affidavit filed on behalf of respondent No. 3, is 05-01-2016. Facts being so, the apprehension raised by the respondent authorities that his appointment as a Child Constable would be without fulfilling the requisite age criteria, if his date of birth is considered to be 04-01-2001, is misplaced. If 04-01-2001 is considered as the petitioner's date of birth, he would have attained 15 years on 05-01-2016 that is the date on which he was appointed.

8. The apprehension raised in the counter affidavit being unfounded. This Court finds that the petitioner's claim based on birth Certificate and Matriculation Certificate requires to be considered favourable to the petitioner. The authorities, after due verification of the birth certificate and Matriculation Certificate, will be obliged to give the benefit of date of birth as per these documents.

9. The application is allowed with the aforesaid directions and observations.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-08-2023
Transmission Date	N/A

