

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4343 of 2022

Prabodh Kumar Singh Son of Jildar Singh resident of Village- Katkuiya Tola-
Bhinak Singh, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General Cum Commandant General, Bihar Home Guard, Patna Bihar.
3. The District Collector, Motihari, East Champaran.
4. The District Commandant, Bihar Home Guard, Motihari, East Champaran.
5. The Deputy Commandant, Bihar Home Guard, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar, Adv.
For the Respondent/s : Mr. Md.N.H.Khan, SC-1
Mr. Md. Harun Quareshi, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of a writ in the nature of Certiorari quashing the Memo No. 2120 dated 11-12-2021, issued under the signature of the District Commandant, Bihar Home Guard, Motihari, East Champaran, as contained in annexure-2 to this writ application, whereby and whereunder the petitioner has been informed that he will be retired from his service with effect from 31-12- 2021 on the age of 60 years of the



service.

(ii). For issuance of a writ in the nature of Mandamus commanding and directing the Respondents to not retire the petitioner from his service as the date of birth of the petitioner is 6.1.1964 and accordingly, the petitioner will be retired from service on 31.12.2023.”

2. At the outset, the learned counsel for the parties are in agreement that the issue under consideration in the present writ petition can be resolved if a Medical Board is constituted and the age of the petitioner is determined.

3. In view of the aforesaid, the Director General Cum Commandant General, Bihar Home Guard, Bihar, Patna, is directed to ensure that a Medical Board is constituted under the chairmanship of the Civil Surgeon, Patna and the exercise for age determination of the petitioner is undertaken and concluded within a period of two weeks from today whereupon, considering the age determined by the aforesaid Medical Board, the Director General Cum Commandant General, Bihar Home Guard, Bihar, Patna, shall pass necessary orders regarding the service period of the petitioner, within a period of one week, thereafter.

4. The present writ petition stands disposed off with the



aforesaid observations and directions.

5. Let a copy of this order be communicated to the Director General Cum Commandant General, Bihar Home Guard, Bihar, Patna, by the registry of this Court.

(Mohit Kumar Shah, J)

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