

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16208 of 2021

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.o.- Digghi Kala, P.s.- Hajipur (Town), District- Vaishali at Hajipur, Pin Code-844101 (Bihar)
2. The General Manager (Personnel), East Central Railway, Hajipur, P.o.- Digghi Kala, P.s.- Hajipur (Town), District- Vaishali at Hajipur, Pin Code-844101 (Bihar)
3. The Chief Medical Director, East Central Railway, Hajipur, P.o.- Digghi Kala, P.s.- Hajipur (Town), District- Vaishali at Hajipur, Pin Code-844101 (Bihar)
4. The Divisional Railway Manager, East Central Railway, Sonapur, P.o. and P.s.- Sonapur, Saran, Pin Code- 841101 (Bihar)
5. The Senior Divisional Personnel Officer, East Central Railway, Sonapur, P.o. and P.s.- Sonapur, Saran, Pin Code- 841101 (Bihar)
6. The Chief Medical Superintendent, East Central Railway, Sonapur, P.o. and P.s.- Sonapur, Saran, Pin Code- 841101 (Bihar)
7. The Senior Divisional Financial Manager, East Central Railway, Sonapur, P.o. and P.s.- Sonapur, Saran, Pin Code- 841101 (Bihar)
8. The Divisional Medical Officer (Dental), East Central Railway, Sonapur, P.o. and P.s.- Sonapur, Saran, Pin Code- 841101 (Bihar)
9. Dr. Shalini Jain, Sr. Divisional Medical Officer, East Central Railway, Begusarai, Pin Code-851116 (Bihar)
10. Sri S.K. Dubey, Assistant Health Inspector-cum-Inquiry Officer, East Central Railway, Hajipur, P.o.- Digghi Kala, P.s.- Hajipur (Town), District- Vaishali at Hajipur, Pin Code-844101 (Bihar)

... .. Petitioner/s

Versus

Om Narayan Singh Son of Sri Nageshwar Singh, Substitute Safaiwal, under Chief Health Inspector, East Central Railway, Garhara, Dist.- Begusarai, Pin Code-851116 (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar
For the Respondent/s : Mr.Pradeep Kumar

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-08-2024



**Ref: CWJC No. 16076 of 2021, CWJC No.16077
of 2021 and CWJC No. 16208 of 2021**

In these three writ petitions, core issue involved in the lis is whether date of birth of the Respondent could be altered by the petitioner/Department at this distant of time or not?

2. Perusal of each of the service book, it is evident that date of birth in respect of Dina Kumar it is entered as 10.01.1976 , Bali Ram Thakur date of birth is 25.05.1972 and Om Narayan Singh date of birth is 05.02.1973. Perusal of the service book, it is evident that such entries are stated to have been made in the year 2003. This cannot be altered either by the Railway employee or by the employer-Petitioners after lapse of these many years. In other words, principle laid down by the Hon'ble Supreme Court and other courts time and again held that date of birth correction cannot be carried by an employee or an employer at fag end of employee service. In the case of Shankar Lal Vs. Hindustan Copper Ltd., and Ors., reported in 2022 SCC Online SC 475, it is held that employer cannot alter the date of birth at the fag end of service of employee.



3. Identical matter we have taken a decision in CWJC No.16074 of 2021 decided on 02.07.2024 while following order passed in CWJC No. 15995 of 2021 decided on 02.07.2024. Accordingly, the Petitioners have not made out a case. Writ petitions stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024
Transmission Date	NA

