

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5794 of 2023

Shiv Janam Prasad Singh Son of Late Madan Singh, Resident of village Hidayatpur, P.O. - Manjhauli, P.S. Salimpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director of General Home Guard, Bihar, Patna.
4. The District Commandant Bihar Home Guard, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (Sc 8)
		Mr. Sanjay Kumar, AC to SC 8

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-11-2024 Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

“1. That the instant petition is being filed for the issuance of writ/writs, order/orders, direction to Respondent for setting-aside a order of the Commandant of Bihar Home Guard, Bihta which was sent by the Commandant to the petitioner in the Text Message on 31.12.2022(Annexure-5) for forcibly retirement and pass order and orders as your lordships may deem fit and proper.”

2. Considering the nature of relief sought for in the present writ petition, as well as, the pleadings made in the writ petition and evidences adduced therewith, I find that disputed question of fact has been raised with respect to the age of the petitioner. Petitioner is claiming his age on the basis of School



Leaving Certificate, while the respondents are relying the date of birth of the petitioner based upon the nominal register at the time of his enrollment in 1989, showing his date of birth as 01.01.1963. Such disputed question of fact cannot be adjudicated before the Writ Court. However, the petitioner can avail remedy before the competent civil court by way of filing declaratory suit for declaring his date of birth in accordance with law.

3.The writ petition is, accordingly, disposed of.

4. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

