

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7346 of 2024

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Satyanarayan Pandey Son of Late Gorakh Nath Pandey, Resident of Village-
Neeranpur, Police Station- Bihiya, Post Office- Kateyan, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary Health Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-Cum-Collector Bhojpur at Ara.
4. Deputy Collector (Establishment) Bhojpur, Ara.
5. The Chief Medical Officer-Cum-Civil Surgeon Bhojpur, Ara.
6. The In-Charge Medical Officer Primary Health Centre Bihta, District- Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate Mr.Aditya Dev, Advocate
For the State	:	Mr.V.S.S. Singh, GP 19

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 24-06-2024 The petitioner, after being selected by a duly constituted Selection Committee under the Chairmanship of the District Magistrate, Bhojpur, for the appointment to the post of Group-D, Peon, received his letter of appointment on 24th of December, 2008. After being appointed as such, he was posted as Peon in the office of Addl. Chief Medical Officer of Health, Bhojpur. Thereafter, the petitioner was posted at Addl. Primary Health Centre, Bihiya, in the District of Bhojpur.

2. It is the case of the petitioner that during his selection procedure and at the time of appointment, he



submitted his matriculation certificate issued by the Bihar School Examination Board, wherein his date of birth was recorded as October 1st of October, 1968. After his appointment and before posting, the petitioner was directed to appear before the Medical Board for ascertainment of his age. On the basis of ossification test report, the Medical Board opined that on the date of his Medical Examination, he was aged between 40 and 45 years. It is found from the matriculation certificate submitted by the petitioner that he got his appointment letter at the age of 40 years and two months. Therefore, there was no reason to disbelieve the date of birth of the petitioner mentioned in his matriculation certificate.

3. It is needless to say that with regard to the date of birth, the matriculation certificate, school certificate, or admission register are the primary evidence, and the ossification test report does not give the correct picture of the date of birth as there is an error of two years on both sides in the ossification test report.

4. It is the grievance of the petitioner that the Medical Officer, Bihiya, struck down the date of birth recorded by the incumbent and unilaterally recorded the fictitious date of birth of the petitioner as on 1st of July, 1964. The Medical Officer, In-



Charge, Primary Health Centre, Bihiya, acted in manifest arbitrariness without following the established legal principle regarding primary evidence of date of birth and introduced a fictitious date of birth in the service book of the petitioner, as a result of which the petitioner will superannuate before attaining the age of superannuation.

5. For the reason stated above, the instant writ petition is disposed of directing the Respondent Nos. 5 and 6 to record the date of birth of the petitioner as 1st of October, 1968, within a fortnight from the date of receipt of the instant order.

6. The petitioner is at liberty to communicate server copy of this order to the Respondent Authorities for compliance.

7. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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