

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11624 of 2024

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Kamlesh Sharma (M), S/o Radhay Singh R/o Vill Lakhapur, P.O. Baina
Lakhapur, P.S. Paras Bigha, Dist. Jahanabad,

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Senior District Commander, Bihar Home Guard, Patna,
6. The District Commander, Bihar Home Guard, Patna.
7. The Attendant Chief (Reserve), Navin Police Centre, Patna.
8. The District Superintendent of Police , Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Nadim Seraj, GP 5
		Mr. Dhuvendra Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-08-2024 Heard Mr. Shashi Bhushan Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Nadim Seraj,

 learned GP 5 along with Mr. Dhuvendra Kumar, learned AC to

 GP 5 for the State.

2. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is aggrieved by the action of
the Senior District Commandant, Home Guard Force, Patna, as
contained in letter dated 21.11.2023, by which it has been
informed that all such Home Guards, who have attained the age



of 60 years, have been made to retire from service. Petitioner's name figures at Serial No.90 in the said letter and he submitted that the same has been passed without considering his real date of birth, i.e., 20.01.1969 and in support of the said information, he has brought on record Form "Ga Satyapan Wahi" dully contained in Memo No.1059 dated 03.04.2020 under the authority of the same officer holding the post of Senior District Commandant. It is the case of the petitioner that the authority, who has admitted the date of birth of the petitioner to be 20.01.1969 cannot re-examine himself without any evidence to review his own record holding that the petitioner having attained the age of 60 years on or before 31st December, 2023, has been made to retire. Learned counsel submits that petitioner seeks to file a detailed representation before the DIG, Home Guard Force, Patna for considering his case and illegality committed by the Senior District Commandant, Home Guard, Patna.

3. Considering the aforesaid submission made on behalf of the petitioner and the available record with the writ petition, *prima facie*, it appears that the Senior District Commandant, Patna, after examining the date of birth as contained in Form "Ga" has issued Memo No.1059 dated



03.04.2020, in which the date of birth of the petitioner has been entered as 20.01.1969 and has made the petitioner to retire on 31st December, 2023 on the basis of the fact that he has attained the age of 60 years which calls for interference. The DIG, Home Guard Force must call for the service particulars of the petitioner and examine expeditiously, as to whether, the date of birth of the petitioner entered in Form “Ga” is genuine and the same has been entered after due examination by the Senior District Commandant, Patna then the same is required to be corrected and the petitioner must not be disturbed from the post of Home Guard till the date he attains the age of 60 years in accordance with law,

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

(Purnendu Singh, J)

Sanjay/-

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