

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.96 of 2022

In
Civil Writ Jurisdiction Case No.1435 of 2021

=====

Chandrika Prasad, Son of Barhan Yadav, Resident of Village-Singarpur, PS-
Chanan, District-Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secreary, Department of Home, Govt. of Bihar, Patna.
2. The Principal Secreray, Department of Home, Govt. of Bihar Patna.
3. The Director General and Commandant General, Bihar Home Guard, Patna.
4. The Superintendent of Police, Lakhisarai.
5. The District Commandant, Home Guard, Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Lalan Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar Ghosarwe, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-01-2025

Re.- I.A. No. 01 of 2022 :-

Mr. Lalan Kumar, the learned Advocate for the
appellant presses I.A. No. 01 of 2022 for condoning the
delay of four days in preferring this appeal.

2. For the reasons stated in the application, the
delay of four days in preferring this appeal is condoned.

3. I.A. No. 01 of 2022 stands allowed.



Re.- L.P.A. No. 96 of 2022 :-

4. We have heard Mr. Lalan Kumar, the learned Advocate for the appellant and Mr. Sanjay Kumar Ghosarwe, the learned Advocate for the State.

5. The appellant, a member of the Home Guard, has challenged the order dated 24.01.2022 passed in C.W.J.C. No. 1435 of 2021 by a learned Single Judge of this Court, whereby his request for a direction to the authorities to amend his date of birth from 12.01.1961 to 12.01.1966 has been rejected primarily on the ground of an extremely delayed representation on his behalf.

6. It appears that the appellant joined Home Guards only when he was 19 years of age on 15.10.1980. For a long period, i.e. till about 2018, all Home Guard personnel were being paid daily wages and no muster roll/service book was prepared for such personnel. It was only in the year 2018 that the appellant was made to understand that he is to retire as his date of birth in the service record has been entered as



12.01.1961.

7. The appellant is in possession of the matriculation certificate and which was placed before the authorities as well, wherein his date of birth is recorded as 12.01.1966.

8. The learned Single Judge refused to accept the afore-noted submission on behalf of the appellant for the reason of the delay of 45 years in general and more than two years in bringing the matter to the notice of the concerned respondents when the issue was first revealed to the appellant about the wrong date of birth in the service record.

9. For these reasons, we find that the order passed by the learned Single Judge requires interference.

10. The order dated 24.01.2022 passed in C.W.J.C. No. 1435 of 2021 is set-aside.

11. The appellant is directed to approach the Director General-cum-Commandant General, Bihar Home Guard, Patna and file a representation along with a copy



of this order, which shall be perused by him and necessary orders shall be passed after verifying that the matriculation certificate of the appellant is genuine. Necessary/consequential orders shall follow.

12. The appeal stands allowed to the extent indicated above.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Sunil-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.01.2025
Transmission Date	NA

