

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.125 of 2022

In

Civil Writ Jurisdiction Case No.11975 of 2019

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Chandeshwar Rai, Son of Late Bhola Roy, Resident of Village and Post -
Sirsi, P.S. - Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar through its Chief Ex-Mechanical P.H.E. Department,
New Secretariat, Viswasaraiya Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, P.H.E.D. Circle Rahamganj Khan Chowk,
District - Darbhanga.
3. The Accountant General (Accounts & Hakdari) Birchand Patel Path, Patna,
Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)
Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 17-09-2025

Appellant has assailed the order of the learned Single
Judge dated 13.01.2021 passed in CWJC No. 11975 of 2019.



2. Core issue involved in the present *lis* is whether date of birth of the appellant is 07.07.1949 or 07.07.1946 for the purpose of service condition of the appellant.

3. On an earlier occasion, we have sought Service Book of the appellant from the respondents and the same has been placed on record by means of a supplementary counter affidavit on behalf of Respondent Nos. 1 and 2. We have perused the Service Book maintained as on this date. Column No. 6 is relating to Date of birth by Christian Era as nearly as can be ascertained - 7.7.1949 (Seventh July Nineteen forty-nine). Therefore, whatever the submission made by the State-respondents to the extent that appellant's date of birth is required to be taken note of 7.7.1946 is not supported by amendment of entry in the Service Book from 7.7.1949 to that of 7.7.1946.

4. Taking note of the aforementioned material information, the appellant has made out a case so as to interfere with the order of the learned Single Judge and action of the respondents.

5. Accordingly, the impugned order dated 13.01.2021 passed by the learned Single Judge in CWJC No. 11975 of 2019 is set aside and CWJC No. 11975 of 2019 is allowed.



Respondents are hereby directed to settle all dues of the appellant while taking note of his date of birth as 7.7.1949 and extend all monetary benefits which are due to the appellant within a period of three months from the date of receipt of this order, failing which appellant is entitled to litigation cost at Rs. 25,000/-.

6. LPA is allowed.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
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