

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10774 of 2022

Ram Kripal Thakur Son of Late Mauje Lal Thakur, Resident of Village-
Rampur Dayal, P.S.- Piyar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna- 1.
2. The PRincipal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna-1.
3. The Collector, Samastipur.
4. The Deputy Director of Chakbandi, Samastipur.
5. District Magistrate, Muzaffarpur.
6. The Block Development Officer, Revenue Department, Bandra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (SC25)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-03-2025

Heard Mr. Vivekanand Vivek, learned Advocate for
the petitioner and the learned Advocate for the State.

2. The petitioner is aggrieved with the order as contained in Memo No. 673 dated 01.12.2021, issued under the signature of the Block Development Officer, Bandra, Muzaffarpur, whereby the respondent authorities after wrongly accepting the date of birth of the petitioner as 25.06.1961 allowed him to superannuate with effect from 30.06.2021. The



petitioner also sought a direction upon the respondent to allow him to continue in the service and pay the salary for the period after June, 2021 treating his date of birth as 25.06.1967.

3. The short facts, which led to filing of the present writ petition, are that the petitioner was initially selected on compassionate ground by the Collector, Samastipur vide letter No. 579 dated 23.06.1993 on Class IV post in the Chakbandi Department. Later on the services of the petitioner was absorbed in the Collectorate as Class IV employee under Memo No. 859 dated 15.06.2001 issued by the Revenue and Land Reforms Department. Subsequent thereto, the petitioner was transferred to the office of the Block Development Officer, Patepur, Vaishali whereafter on mutual transfer the petitioner was posted in the district of Muzaffarpur. Referring to various Annexures, including the seniority list of Class IV employees, issued time to time under the signature of the District Magistrate, it is contended that the date of birth of the petitioner was duly mentioned as 25.06.1967. Based upon such date of birth, indicated in all the relevant documents, the petitioner had been discharging his duty to the entire satisfaction of the authorities concerned.

4. All on a sudden, on account of some apparent malice at the level of the Block Development Officer, Bandra,



the petitioner was asked to produce the educational certificate vide letter No. 587 dated 25.10.2021 in order to verify and ascertain his date of birth mentioned in the service book. In response to the letter aforementioned, the petitioner informed the Block Development Officer, Bandra that his educational certificate and other testimonials had already been destroyed in a flood, hence he would not be able to produce the same. Despite the aforesaid fact, the Block Development Officer, Bandra came out with the impugned order compelling the petitioner to superannuate with effect from 30.06.2021 by treating the date of birth of the petitioner as 25.06.1961.

5. While assailing the impugned order, the learned Advocate for the petitioner vehemently contended that the Department and its authorities has all along treated the date of birth of the petitioner as 25.06.1967, which is also evident from the seniority list issued time to time by the Department and at no point of time any objection has been raised but at the fag end of his service, without any show cause notice or opportunity of hearing the impugned order came to be passed. The petitioner being a Class IV employee was not the custodian of the service book and, as such, any manipulation in the date of birth cannot be attributed to the petitioner. It is also the contention of the petitioner that the impugned order is wholly illegal and without



jurisdiction for the simple reason that the Block Development Officer is neither the appointing authority nor the disciplinary authority of the petitioner.

6. On the other hand, learned Advocate for the State referring to the averments made in the counter affidavit has contended that despite the show cause notice issued to the petitioner to submit his educational certificate showing the date of birth as 25.06.1967, the petitioner failed to satisfy the authority concerned. From the service book, the copy of which is brought on record as Annexure- A to the counter affidavit, it would be evident that the date of birth of the petitioner was duly entered as “25.06.1961” in figure as well as in words but the year “1961” as also the word written as “eksath” was manipulated by writing it 1967 in figure and also in words as as “sarsath”.

7. From bare perusal of the service book, manipulation appears to be writ large; moreover, the petitioner failed to justify his claim. The entire facts have been intimated to the District Magistrate, Muzaffarpur vide Memo No. 673 dated 01.12.2021. All the more, from the impugned order, it also appears that the petitioner accepted his date of birth as 25.06.1961 and on the basis of thereof the petitioner has been allowed to superannuate on 30.06.2021.



8. At this juncture, learned Advocate for the petitioner while refuting the aforesaid contention has submitted that the concerned authority, the B.D.O., Bandra has obtained the admission of the petitioner by taking undue advantage and coercion, who happens to be the superior authority of the petitioner.

9. Having heard the learned Advocates for the respective parties and on perusal of the materials available on record, especially the service book, copy of which is placed on record, this Court finds that a clear manipulation has been done in the service book wherein the date of birth of the petitioner mentioned as “25.06.1961” has been changed to “25.06.1967” in words as well as in figures. Moreover, the petitioner has failed to substantiate his claim of his date of birth being 25.06.1967 by producing any legal and valid document. Hence, this Court is unable to accept the contention of the petitioner.

10. Accordingly, the Writ petition stands dismissed.

11. At this juncture, learned Advocate for the petitioner submits at the Bar that notwithstanding the aforesaid fact, the date of retirement of the petitioner, even if it is accepted by the respondent authorities, as 30.06.2021, the petitioner would be entitled to all the other benefits for his services rendered as Class IV employee, which has not been accorded to



him till date.

12. Suffice it to observe that for such grievance, the petitioner may approach before the respondent authorities.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	NA

