

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.239 of 2019

In
Civil Writ Jurisdiction Case No.22680 of 2013

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Ram Keshwar Das Son of Sri Ram Dhani Das Resident of Village- Jamari,
P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Maha Samadesta, Bihar Home Guard, Mukhyalaya, Patna.
3. The Up Maha Samadesta, Bihar Home Guard, Mukhyalay, Patna.
4. The Samadesta, Bihar Home Guard, Mukhyalaya, Patna.
5. The District Samadesta, Bihar Home Guard, Jahanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-05-2025 No one appears on behalf of the petitioner though the

State is present.

2. The present petition has been preferred for:

*“for review of the order dated
17.05.2019, passed by the Hon'ble Mr. Justice
Shivaji Pandey (as his lordship then was), in
CWJC No. 22680 of 2013, whereby and where
under the date of birth of the petitioner 18.02.1953
has been confirmed legal and correct as per
section 4(a) of the Bihar Home Guard Rules,
1953.”*



3. The question before the writ Court was whether the retirement of the petitioner treating his date of birth as 18.02.1953 is correct and/or his date of birth is 12.06.1963 as claimed by the petitioner.

4. The case of the petitioner is/was that in the service book it was recorded as 12.06.1963 but the Commandant on his own recorded it as 18.02.1953 and made him retire on 28.02.2013.

5. The case of the State was that earlier, he was serving in the Home Guard where he entered into service treating his age as 19 years and rule 4 (a) Home Guard Rules 1953 read as follows:

“4(a) who is not less than 19 years and not more than 40 years of age on the 1st day of January of the year in which the application for enrollment is made.”

6. The writ Court in that background observed that: *if the contention of the petitioner treating his date of birth to be 12.06.1963 is to be accepted, he will be nine years of age at the time of his enrollment in the Home Guard which is not statutorily permissible for enrolling any person in the Home Guard but if 18.02.1953 is to be taken as his date of birth, then*



certainly the petitioner becomes nineteen years of age at the time of his enrollment in the Home Guard.

7. In that background, the writ petition was dismissed and now the review petition.

8. This Court do not find any merit in the petition as the writ Court has rightly observed that when he entered into Home Guard service, his age must be nineteen years and in any case, cannot be nine years.

9. However, since there is no appearance, it is dismissed for non-prosecution.

(Rajiv Roy, J)

Adnan/-

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