

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1308 of 2023

In

Civil Writ Jurisdiction Case No.3895 of 2018

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1. Randhir Kumar Bharti Son of Ram Kishore Singh Resident of village- Amain, P.S.- Parasbigha, District- Jehanabad.
 2. Arvind Kumar Son of Sri Kusha Nandan Singh, Resident of Village- Osari, P.O.- Mhamanna, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum Secretary Commercial Taxes New Secretariat, Patna.
2. The Additional Commissioner Commercial Taxes, New Secretariat, Patna.
3. The Dy. Commissioner commercial Taxes, New Secretariat Patna.
4. Joint Commissioner, Commercial Taxes, Bhagalpur Division, Patna.
5. District Magistrate, Bhagalpur.
6. Head Master, Ram Chandra Singh High School Ibrahimpur, Sri Bigaha. District- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11 Mr. Sanjay Kumar Tiwari, AC to GA-11

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)



Date : 28-01-2025

Re. I.A. No. 1 of 2024 in L.P.A. No. 1308

of 2023:-

The aforesaid interlocutory application has been filed seeking condonation of delay of 8 days in filing the present appeal.

2. For the reasons stated in the application, the delay of 8 days in preferring this appeal is, hereby, condoned.

3. I.A. No. 1 of 2024 stands allowed.

Re. L.P.A. No. 1308 of 2023:-

4. We have heard Mr. D.K. Sinha, the learned Senior Advocate for the appellants and Mr. Sanjay Kumar Tiwari, the learned AC to GA-11 for the State.

5. The appellants were participants in the selection process of class-IV post against an advertisement, which was issued in the year 2001. They were placed at serial Nos. 133 and 135 respectively, but were not given appointment for the reason that their



dates of birth were found to be different from what they had projected it to be as compared with the records furnished by them.

6. An enquiry was made and, ultimately, it was found that the dates of birth supplied by the appellants were not correct.

7. This led the appellants to approach this Court earlier *vide* CWJC No. 6900 of 2016, which was dismissed by a Bench of this Court *vide* order dated 31.08.2016, wherein, it was found that regard being had to the controversies relating to the dates of birth of the appellants, no direction could be issued for their appointment on such class-IV post.

8. Thereafter, again, the appellants approached this Court seeking medical review of their dates of birth.

9. The learned Single Judge, in this instance, has taken note of the fact that for confirmation of the statement made by the appellants regarding their dates of birth, the Headmaster of the school concerned was asked



to report whether the appellants had ever attended that school. Since, there were no records available of the appellants in that school, the claim of the appellants could not be substantiated.

10. Shortly, thereafter, the same Headmaster of the school wrote back to the Government stating that the names of the appellants were available in the records of the case.

11. This was not accepted and, ultimately the Regional Deputy Director of Education, Magadh Division, Gaya, after conducting an enquiry in the matter, informed the Principal Secretary, Education Department, Govt. of Bihar, that the later letter of the Principal of the school was false and was issued with a purpose to help the appellants. A Departmental proceeding also was initiated against him.

12. We do not find any good reason for interfering with the order of the learned Single Judge, who has outrightly rejected the prayer of the appellants



for directing for a medical review of their dates of birth.

13. The appeal stands dismissed accordingly.

14. We do not wish to make this appeal cost easy and, therefore, the costs saddled on the appellants shall be complied with.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

manoj/Praveen-II

AFR/NAFR	NAFR
CAV DATE	NA
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