

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8998 of 2024

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Dinesh Kumar Son of Sitaram Das, Resident of Village- Rajabigha, Post-
Uchirma, Police Station- Sherghati, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General-cum- Commandant General, Home Guard and Fire Extinguisher Services, Bihar, Patna.
3. The District Magistrate, Gaya, District- Gaya.
4. The Senior Superintendent of Police, Gaya, District - Gaya.
5. The Senior District Commandant, Bihar Home Guard, Gaya, District - Gaya.
6. The District Welfare Officer, Gaya, District Gaya.
7. The District Education Officer, Gaya, District - Gaya.
8. The Headmaster, Primary School, Raja Bigha, P.S. Sherghati, District - Gaya.
9. Binod Kumar son of Ramgrish Paswan, resident of village- Kagachh, P.S. Sherghati, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Government Advocate (13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-02-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s :-

*“(I) For issuance of an appropriate writ in
the nature of CERTORARI for quashing the redressal of*



claim objection against the published provisional merit list, so far it relates to the petitioner, whereby and whereunder the committee was pleased to reject the candidature of the petitioner on the objection filed by one Dilip Chaudhary inter alia on the ground that there is difference of age of only three months in between the petitioner and his brother namely Umesh Kumar notwithstanding the fact that the petitioner was born on 02.03.1991 and rightly his date of birth of the petitioner was recorded in the Admission Register of the Primary School, Raj Bigha as 02.03.1991 accordingly in the transfer certificate, the age of the petitioner was mentioned as 02.03.1991 but due to inadvertence, the age of younger brother of the petitioner namely Umesh Kumar was recorded in the Admission Register of the School as 08.06.1991.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the respondent authorities to select the petitioner as Home Guard under Sherghati Block of Gaya district on the ground that the petitioner belongs under the schedule caste category, his name was placed at serial no.6 of provisional merit list having 11 merit marks and the persons namely Binod Kumar having got 09 merit marks was selected ignoring the better merit marks of the petitioner.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner was born on 02.03.1991 out of the wedlock of Sitaram Das and Sumitra Devi. It is submitted that the petitioner was admitted to Primary School, Raja Bigha, Sherghati, Gaya, where his date of birth was duly recorded in the admission register as 02.03.1991. The petitioner left the said school on 06.04.2006 while studying in Class V, and the Headmaster issued Transfer



Certificate No. 09/2006 dated 06.04.2006, mentioning his date of birth as 02.03.1991. Learned counsel further submits that, upon proper application, a caste certificate was issued by the competent authority certifying that the petitioner belongs to the Scheduled Caste category. Thereafter, residence and income certificates were also issued in favour of the petitioner.

4. Learned counsel submits that Advertisement No. 02 of 2011 was issued for appointment to the post of Home Guard, inviting eligible candidates to submit applications along with requisite documents. Pursuant to the said advertisement, the petitioner applied for appointment as Home Guard under the Scheduled Caste category for Sherghati Block, Gaya district. It is submitted that the petitioner participated in the selection process and secured 1 mark in High Jump, 5 marks in Long Jump, and 5 marks in Shot Put (Gola Throw), thereby obtaining a total of 11 merit marks. In the provisional merit list published by the respondents, the petitioner's name appeared at Serial No. 6 with 11 marks.

5. Learned counsel for the petitioner further submits that the petitioner's younger brother, Umesh Kumar, also applied pursuant to the same advertisement, and his name appeared at Serial No. 1 of the merit list, having secured 12



merit marks. Subsequently, a complaint was allegedly filed by one Dilip Chaudhary challenging the candidature of the petitioner and his brother on the ground that there existed only a three-month difference between their dates of birth. It is submitted that while the petitioner's date of birth is 02.03.1991, the date of birth of his younger brother was recorded as 08.06.1991. Learned counsel contends that due to inadvertence at the time of admission of the petitioner's younger brother, his date of birth was incorrectly recorded in the school admission register and consequently reflected wrongly in the Transfer Certificate dated 06.04.2006.

6. Learned counsel further submits that without issuance of any show-cause notice or affording an opportunity of hearing, the respondents rejected the candidature of the petitioner merely on the basis of a report submitted by the District Education Officer, Gaya, vide Letter No. 1457 dated 25.11.2023. It is submitted that the petitioner's date of birth has consistently been recorded as 02.03.1991 in all relevant documents and that his candidature has been adversely affected solely due to the dispute concerning the date of birth of his younger brother. Learned counsel, therefore, prays for immediate interference by this Court.



7. Learned counsel for the State submits that in view of the complaint regarding the three-month age difference between the petitioner and his brother, a letter was issued directing the petitioner to appear for verification of his age. However, the petitioner allegedly failed to produce any documentary evidence, as reflected in Annexure R/B. It is further submitted that Annexure R/A evidences the request for age verification, but the petitioner did not submit any clarification before the District Education Officer, Gaya, or the Commandant, Gaya. Learned counsel contends that whenever a complaint is made, the concerned candidate is required to furnish appropriate clarification.

8. In view of the aforesaid facts and circumstances, the writ petition stands disposed of with a direction to the petitioner to appear before the Circle Officer, Sherghati, Gaya for verification and clarification of his age, along with all relevant documents, within a period of 30 days from today. The Circle Officer, upon consideration of the materials placed, shall pass a reasoned and speaking order within three months thereafter. It is made clear that the Circle Officer shall be at liberty to call for reports from the District Education Officer as well as the concerned school, if deemed fit and proper.



9. With the aforesaid observations and directions, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25/02/2026
Transmission Date	NA

