

(2004) 09 JH CK 0033

Jharkhand High Court

Case No: Writ Petition (S) No. 4673 of 2004

Civil Paswan

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Sept. 20, 2004

Citation: (2005) 105 FLR 952 : (2005) 2 JCR 245

Hon'ble Judges: S.J. Mukhopadhyaya, Acting C.J.

Bench: Single Bench

Advocate: H.K. Mehta, GA, S.N. Pathak, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhyaya, A.C.J.

1. This application has been preferred by the petitioner for direction on the respondents to correct the date of birth as per Matriculation (Secondary) Certificate.
2. According to the petitioner, his date of birth has been wrongly recorded in the Service Book, which is not in accordance with the date of birth as recorded in the Matriculation (Secondary) Certificate.
3. According to him, he having passed the Matriculation (Secondary) Examination prior to his appointment, in the year 1968, his date of birth should have been recorded on the basis of date of birth as recorded in the said Certificate.
4. In this connection, he has placed reliance of the decision of the Patna High Court in the case of [Radhe Shyam Singh Vs. State of Bihar and Others](#).
5. From the judgment aforesaid, it appears that the State of Bihar issued guidelines in the year 1976 calling for applications from the Constable who passed Matriculation examination so as to correct the date of birth as per Matriculation (Secondary) Certificate. It was allowed in some of the cases, but disallowed in other

cases on the ground of delay, in the case of Ram Sobhit Rai v. State of Bihar, reported in 1989 BBCJ 141, wherein a Bench of Patna High Court held that if the candidate passed the Matriculation Examination prior to appointment then in that case, his date of birth should be corrected on the basis of the Matriculation Certificate.

6. In the present case, the plea taken by the petitioner is that he passed the Matriculation (Secondary) Examination in April, 1968, wherein after he was appointed as a Constable in the year 1971 and thereby the judgments on which he has placed reliance are of applicable in his case.

7. Counsel for the State submitted that the petitioner had knowledge if his date of birth, as recorded in the Service book, as far back as in the year, 1994, but he did not choose to move the authority for such correction. Therefore, the petitioner cannot derive the advantage of the decisions rendered by the Patna High Court in the case of Radhe Shyam Singh Vs. State of Bihar and Others, and Ram Sobhit Rai v. State of Bihar, reported in 1989 BBCJ 141.

8. From bare perusal of Paragraph Nos. 7 and 8 of the writ petition, it appears that a departmental proceeding was initiated against the petitioner in the year 1994 and in pursuance of which he was dismissed from service and later on he was reinstated in service. At that state i.e. in the year 1994, he could come to know the date of birth as recorded in the Service Book but failed to point out that his date of birth was wrongly recorded.

9. Keeping in view the above facts and circumstances, this Court is not inclined to direct the respondents to correct the date of birth of petitioner after long 33 (thirty three) years of his appointment he having knowledge of his date of birth ten years back; as such the decisions relied upon by the petitioner is of no help to him.

10. There being no merit, this writ petition is dismissed. Petition dismissed.