
(1999) 10 PAT CK 0037
In the Patna High Court
Case No : C.W.J.C. No. 6271 of 1998

Bharat Singh @ Bharat Rao

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 07-10-1999

Acts Referred:

Citation : (2001) 1 PLJR 641

Hon'ble Judges : N. Pandey, J

Bench : Single Bench

Judgement

N. Pandey, J.—Heard learned Counsel for the Petitioner and the State.

2. This petition has been filed for a direction to the Respondents to correct the date of birth of the Petitioner from 1940 to 22.1.1942 as per the entry made in the school admission register.

3. It appears, the Petitioner entered in service on 14.12.1960 and in the service book, only the year of birth was entered as 1940. On 21.10.1997, by a notice contained in Annexure 2, the Petitioner was communicated that he will superannuate with effect from 30.6.1998. The Petitioner, thereafter, filed a representation before the Superintendent of Police, Bettiah for necessary correction. But the same was not accepted.

4. Learned Counsel for the Petitioner contended since in the school register etc. the date of birth of the Petitioner was mentioned as 22.1.1942. Therefore, it was proper for the authority to correct the service book.

5. In my view, from the facts on records, it is evident that no such attempt was made by the Petitioner within ten years of service before the authority for correction. That apart, on the basis of the entry in the school register, it would not be possible for this Court to alter the date of birth as mentioned in the service book.

6. It was further contended that since in the service book the year of birth of the

Petitioner was mentioned as 1940, therefore, in view of the judgment of this Court in C.W.J.C. No. 2990 of 1993 disposed of on 6.9.1993 (Annexure 6), the date of birth be treated as the last day of the year i.e. 31st December, 1940 and the date of retirement as 31st Dec. of the concerned year.

7. In my view, this part of the submission of the learned Counsel appears justified. Because from a bare reference to the copy of the order of this Court in the above case, it appears that since the year of birth of the Petitioner of that case was mentioned in the service book as 1935, therefore, the date of retirement was fixed treating the date of birth as 31.12.1935.

8. I, therefore, taking into consideration the facts noticed above, allow this application in part with a direction to the Respondents to treat the date of birth of the Petitioner as 31.12.1940. But the prayer of the Petitioner for correction of the date of birth is rejected.

9. With the above, this application is disposed of.