

(2004) 09 JH CK 0078
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4273 of 2004

Bishnudeo Sah

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 07-09-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 4 JCR 300

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

Bench : Single Bench

Advocate : S.P. Sinha, for the Appellant; Ajit Kumar, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This writ application has been preferred by the petitioner for a direction to the respondents to accept his date of birth as 15th June, 1959 as recorded in his service book. Further prayer has been made to prohibit the respondents from accepting the medical report in respect of his date of birth.

2. According to the petitioner, his date of birth is 15th June, 1959, but the respondents are treating his date of birth as 14th December, 1949 on the basis of a medical report, which is illegal. It is submitted on behalf of the petitioner that the father of the petitioner was also in the services of the Electricity Board and in his service book, his date of birth was recorded as 1st July, 1937 and if the date of birth of the petitioner is accepted as in the year 1949, it will be presumed that the petitioner was born only twelve years after the birth of his father, which will be incorrect and improper.

3. From the copy of the extract of the service book annexed by the petitioner, it appears that the petitioner was engaged in the service of the Electricity Board on 9th September 1977. In his service record, his date of birth as recorded was subsequently penned through/ interpolated and made as 15th June, 1959. In

view of such interpolation made in his service book, the authorities got the petitioner medically examined for determination of his age by the medical board.

4. On 14th December, 2000, the medical board consisting of the Heads of the Departments of FMT, Radiology and Orthopedics of the PMCH, Patna, assessed the petitioner's age as 50-52 years, average 51 years, and on that basis, the respondents have treated the age of the petitioner as 51 years as on 14th December 2000. In the facts and circumstances, here being interpolation in the date of birth of the petitioner as recorded in his service book for which a medical report has already been submitted by the medical board assessing the petitioner's age. I find no ground to interfere with the same.

5. The writ petition is dismissed.