
(2012) 06 JH CK 0007
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2431 of 2008

Haridwar Paswan

APPELLANT

Vs

M/s B.C.C.L. Danbad and Others

RESPONDENT

Date of Decision : 28-06-2012

Acts Referred:

Citation : (2012) 4 JLJR 440

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Atanu Banerjee, for the Appellant; Anoop Kumar Mehta, for the Respondent

Final Decision : Dismissed

Judgement

Alok Singh

1. Undisputedly, petitioner was appointed as driver in the organisation of respondent no. 1 on 17.10.1971; undisputedly in Form-B, date of birth of the petitioner is recorded as 01.04.1946; accordingly, he stood retire on 31.03.2006. Thereafter, the petitioner has filed the present petition in the year 2008 saying that his correct date of birth is 12.02.1953 as such he ought not to have retired on 31.03.2006 and should be permitted to continue on the post till he attains the age of superannuation i.e. 11.02.2013. Learned counsel appearing for the petitioner has vehemently argued that petitioner has passed Class-VII from Government Middle School, Kasma, Rafiganj, Aurangabad in the year 1966 wherein his date of birth is recorded as 12.02.1953.

2. This Court vide order dated 20.02.2010 has directed the respondents to verify the date of birth of the present petitioner from the concerned School and thereafter to file the counter affidavit before this Court.

3. Learned counsel appearing for the respondents has vehemently argued that although admission register was shown to them, however, neither the application form seeking admission nor was any other document shown to them by the

School authority in order to verify the petitioner's date of birth in the School.

4. Having heard the learned counsel for the parties and having perused the record, I find that in Form-B, date of birth of the petitioner is mentioned as 01.04.1946. I also find that petitioner has never objected his date of birth for 35 long years. Perusal of the photo copy of the School Leaving Certificate (annexure-1 to the writ petition) would reveal that it was issued in the year 1998. It is not made clear as to why the petitioner has not obtained School Leaving Certificate at an early Stage in spite of this fact that he left the School way back in the year 1966. As per the Service Record, petitioner joined in the organisation of respondent no. 1 in the year 1971 as a driver. Meaning thereby, the petitioner must be having driving licence in the year 1971 to drive a vehicle making him eligible for the post of driver. On being asked as to what was the date of birth mentioned in the original driving licence which was shown before the authority at the time of joining the service, learned counsel for the petitioner has stated that he is not in a position to show the then driving licence.

5. In the firm opinion of this Court ordinarily petition seeking correction in the date of birth in the service record should not be entertained by the Court at the verge of the retirement of the petitioner. Considering all the facts and circumstances of the case, I do not find any merit in the writ petition, thus, is accordingly, dismissed.