
(2010) 08 JH CK 0079
In the Jharkhand High Court

Kamal Kishore Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

Citation : (2010) 4 LJLR 143

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard Mr. Mishra, learned Counsel for the petitioner and Mr. Ughal learned Counsel for the respondents Damodar Valley Corporation.

2. The dispute is with regard to recording of date of birth of the petitioner in the service records of the Damodar Valley Corporation.

3. According to the petitioner, he came in the service of the D.V.C. on 01/10/1969 as Khalasi and subsequently, he was selected for the Line Petrol Man (LPM) and joined the new post on 08/08/1983. He appeared in the matriculation examination conducted by the Bihar School Examination Board from Panassalva High School, Munger in the year 1973 but he could not succeed. He was issued an admit card by the said school for appearing in the Board's Examination which contained his date of birth as 01/12/1950. In the year 1973 itself, the petitioner produced before the Corporation the said admit card, which was issued by the Bihar School Examination Board as a proof of his date of birth.

Further, according to the petitioner, the respondents even verified regarding his date of birth from the Headmaster of the High School, Panassalva, Munger, who reported that the petitioner appeared in the annual S.S. examination in the year 1973 from his School and his date of birth in the School admission register was 01/12/1950. The petitioner alleges that all of a sudden a copy of the letter dated 06/04/1993, was forwarded to the petitioner wherein respondent No. 4 wrote to respondent No. 5 that the date of birth of the petitioner has been accepted and

recorded as 17/03/1947. On receipt of such letter, the petitioner made a written request to the respondent No. 4 on 03/10/2004 stating therein that he submitted his admit card in the year 1973 itself showing his date of birth to be 01/12/1950 and, thereby, requested to withdraw the aforesaid letter and accept his date of birth as 01/12/1950 and to save him from premature retirement. Even though the petitioner represented for withdrawal of the aforesaid letter dated 06/04/1993 but the respondents intimated the petitioner by issue of Annexure- 8 and 8/1 that he would retire from service w.e.f. 31/03/2007.

4. According to the respondents, the petitioner joined the service of D.V.C. On 01/10/1969 as a Khalasi. At that time he did not produce any document regarding his date of birth. However, he himself declared his age as 22 years before the Medical Officer and the Medical Officer also assessed his age to be 22 years and, accordingly, recorded his date of birth as 03/10/1947. The petitioner never challenged his date of birth recorded in the medical fitness certificate (Annexure-A) mentioning his date of birth as 03/10/1947.

Further, as per the respondents, the admit card (Annexure-2) created serious doubts about its genuinity, in view of the fact that the admit card contains the photographs of the candidates but the said admit card submitted by the petitioner was not containing any photograph of the petitioner. Further in the admit card there is no column for mentioning date of birth but in the admit card submitted by the petitioner the date of birth 01/12/1950 was written by hand. Further, there was no seal and signature of the Bihar School Examination Board on the said admit card. Therefore, it is not be said to be an authenticated document. The admit card was provisional and no date of issue of admit card was mentioned therein.

5. Having heard the parties and having gone through the documents annexed with the writ petition as well as in the counter affidavit, in my view, the petitioner is not entitled for any relief for the following reasons:

(I) At the time of entry in service in the year 1969, the petitioner himself declared his age to be 22 years and on that basis his age was recorded by the doctor, who medically found him fit. The said letter was never challenged by the petitioner at any point of time.

(II) Admittedly, for the first time the petitioner submitted admit card in order to show that he appeared in the matriculation examination from a School at Munger and the admit card contains the date of birth of the petitioner but as it appears from perusal of the admit card, which has been annexed with the writ petition, that there is no column for mentioning the date of birth of the candidates and the date of birth is hand written. The admit card does not contain the photograph of the petitioner though there is a column for pasting photograph. There is no seal or signature of the examination Board and, therefore, the aforesaid admit card cannot be accepted as an authentic document to show the date of birth of the petitioner to be 01/12/1950.

6. The petitioner based his whole case on the basis of the admit card, which does not appears to be genuine and authentic in order to establish the fact that the petitioner's date of birth was 01/12/1950. Accordingly, having found no merit, this writ petition is dismissed.