
(1993) 09 PAT CK 0048
In the Patna High Court
Case No : CWJC No. 2990 of 1993

Kashi Nath Thakur

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 06-09-1993

Acts Referred:

Citation : (1993) 09 PAT CK 0048

Hon'ble Judges : U.P. Singh, J;Naresh Kumar Sinha, J

Bench : Division Bench

Judgement

1. In this writ application the petitioner has prayed that his date of birth be corrected as 5.11.40. The petitioner has retired after 58 years. It appears that he was appointed as a Constable on the ground of being an outstanding football player and his date of birth mentioned in the verification register as also the Service Book is recorded as 1935. In support of his claim for correction of the date of birth as 5.11.40 he has produced Matriculation Certificate and a Certificate of the Headmaster granted on 9.11.92. According to him he learnt only in December, 1992 that the column meant for the date of birth in the Service Book had been left blank by the Reserve Officer and some staff in the Reserve Office, after detecting this missing entry, mischievously wrote 1935 in the column meant for the date of birth. We find no evidence in support of the allegation that some Officers in Reserve Office made wrong entry in the Service Book as 1935. The petitioner did not produce any certificate in support of his age or even the horoscope when he entered the service. The verification register as also the Service Book has been signed by the petitioner in his own writing in English on the same day. He had, therefore, full knowledge about the entries in the said register. Admittedly, at that time, he was a student of Class XI and, therefore, he was supposed to know the entry that was made in the Service Book as also in the verification register and after reading the contents he signed the same. It is surprising that only a year later, when he passed the Matriculation examination, his date of birth was mentioned in the School Admission register as 5.11.40 and the said date was carried in the Certificate of Matriculation. The

Admission register produced is of the other School relating to the period only when he was a student of Class IX in July, 1953. There is no School register showing his admission at the initial stage when he first entered the school and no such register has been placed on record. That would have possibly shown the correct date of birth when he first entered any such school. Therefore, we have no reason to disbelieve the entry made in the Service Book as also the one mentioned in the verification register signed by the petitioner himself at the time when he first entered the service. Although he had the knowledge about the date of birth entered as 1935 in the Service Book as also in the verification register but only at the time of superannuation he made an application before the S.P. for correction after passing the Matriculation examination. He being a student of Class XI, had entered the service and signed the Service Book as also the verification register with full knowledge of the contents and he ought to have produced some evidence but no such evidence was produced. He could have produced his school admission register wherein he studied upto XI Class which could have shown the date of birth when he first entered the school. However, the benefit can be given to him treating the year mentioned as 1935 to be read as 31st December, 1935 and that would give six months extension to him in service even though he has retired a month ago.

2. In this view of the matter, the application is disposed of with a direction that the petitioner's retirement shall be counted from 31st December, 1935 whereby he gets an extension of nearly six months and until then he shall be treated in the service for all purposes with service benefits admissible to him.