

(2011) 06 JH CK 0001
In the Jharkhand High Court
Case No : L.P.A. No. 457 of 2010

Rajendra Paswan @ Rajendra Paswan	APPELLANT
Vs	
Bharat Coking Coal Ltd. (BCCL) and Others	RESPONDENT

Date of Decision : 15-06-2011

Acts Referred:

Citation : (2011) 06 JH CK 0001

Hon'ble Judges : Prakash Tatia, Acting C.J.; Jaya Roy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard the counsel for the parties.
2. The Appellant-Petitioner, before his retirement, filed the writ petition in the year 2008 seeking direction against the Respondents to correct the Date of Birth of the writ Petitioner from 18.12.1952 to 01.07.1950 on the basis of one of the Certificate of Matriculation, which admittedly, the Petitioner-Appellant obtained after joining the service and according to the learned Counsel for the Petitioner-Appellant, the Petitioner-Appellant's service records has been tampered with and the Date of Birth has been changed.
3. However, the learned Counsel for the Appellant-Petitioner submitted that the Appellant -Petitioner filed the first representation for correction in the Date of Birth in his service record in the year 1984, and that has not been carried out by the Respondents.
4. In view of the above fact, it is clear that the Date of Birth recorded in the service book was in the knowledge of the Petitioner-Appellant in the year 1984 and he approached this Court by filing the writ petition in the year 2008, which is after a delay of 24 years and that too, when the Petitioner-Appellant was about to superannuate in two years. The learned Single Judge has rightly took note of the fact that the Matriculation Certificate is not a reliable evidence for the purpose of finding of the Date of Birth of the Appellant-Petitioner as it has been

obtained by the Appellant-Petitioner after joining the service, and we are in agreement with the findings of the learned Single Judge.

5. In view of the above reasons, at the belated stage the learned Single Judge has rightly did not entertain the writ petition of the Appellant-Petitioner to interfere with the disputed question of fact about the correctness of the Date of Birth of the Appellant-Petitioner.

6. Hence, we do not find any merit in this L.P.A, which is accordingly dismissed.