

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.8659 of 2004
ABDUL QUAYUM KHAN S/O LATE RAHIM KHAN R/O
VILL- KANTIA, PS- KADWA DISTT- KATIHAR
-----PETITIONER

Versus

1. THE STATE OF BIHAR
 2. THE INSPECTOR GENERAL, BMP, BIHAR, PATNA
 3. THE COMMANDANT, BMP-7, KATIHAR---RESPONDENTS.
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3 30.7.2010

Heard learned counsel for the parties.

It is frivolous kind of application filed on behalf of the petitioner on the face of the record. Admitted position is that the date of birth of the petitioner entered at the point of joining service was 20th January 1946. Only on 1st of February 2004 i.e. about 25 days before his superannuation he realized that his date of birth entered into his service book is wrong. He made an application and filed the present writ application seeking a direction to correct the date of birth on the basis of so called matriculation certificate contained in annexure-2.

As per the provision of the Bihar Service Code any correction about the date of birth in the service record can be entertained within ten years of joining the service. There is nothing to indicate why the petitioner had to wait till the fag end of his retirement to raise the dispute about his date of birth.

In absence of any explanation such a request for change of date of birth cannot be entertained as the writ lacks bona fide.

This writ application is misplaced and it is dismissed.

RPS

(Ajay Kumar Tripathi, J.)