

GAHC010254242022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/8035/2022

HALIMA KHATUN
W/O. MOTIOR ROHMAN, VILL. BORDOL, P.O. MESERVITA, P.S. LAKHIPUR,
DIST. GOALPARA, ASSAM, PIN-783129.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECY., DEPT. OF SOCIAL WELFARE.

2:THE DIRECTOR

WOMEN AND CHILD DEVELOPMENT
ASSAM
UZANBAZAR
GUWAHATI-781001.

3:THE DISTRICT SOCIAL WELFARE OFFICER

GOALPARA
ASSAM
PIN-783101.

4:THE CHILD DEVELOPMENT PROJECT OFFICER

INTEGRATED CHILD DEVELOPMENT PROJECT
LAKHIPUR
GOALPARA
ASSAM
PIN-783129

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

Date : 07-02-2023

Heard Mr. H Ali, learned counsel for the petitioner. Also heard Mr. A Chakraborty, learned counsel for the respondents in the Department of Social Welfare and Women and Child Department, Assam.

2. In course of the hearing of the matter, two Aadhaar Cards were placed on record. One by the petitioner showing the date of birth to be 24.06.1969 and a copy of another Aadhaar Card by the respondent Social Welfare Department which shows the date of birth to be 01.10.1952. As two similar Aadhaar Cards bearing the same number were placed before the Court, we required Mr. R K D Choudhury, learned Dy.S.G.I. to take up the matter with the authority issuing the Aadhaar Card as to which between the two Aadhaar Cards would be the genuine Aadhaar Card.

3. Mr. R K D Choudhury, learned Dy.S.G.I. upon obtaining the information from the relevant department has stated that the original Aadhaar Card issued to the petitioner in the year 2017 bore the date of birth to be 01.10.1952 but later on, as under the law it is possible for the correction in the entries in the Aadhaar Card once, the petitioner made an application and got the entry as regards the date of birth corrected and subsequently, the other Aadhaar Card bearing the same number was issued to the petitioner by providing the date of birth to be 24.06.1969.

4. In the circumstance, the objection raised by the respondents that the petitioner is relying upon a fabricated Aadhaar Card would have to be rejected as both the Aadhaar Cards are genuine but the subsequent Card is a Card issued after incorporating necessary corrections in the information contained therein.

5. In this writ petition the petitioner seeks for an interference with an order of the respondent no. 4 CDPO, ICDS Project, Lakhipur, Goalpara whereby it was provided that the

petitioner along with others goes on superannuation upon retirement with effect from 31.05.2022. According to the petitioner the date of birth of her being 24.06.1969, she would retire from service on attaining the age of sixty years sometime in the year 2029.

6. We have to understand that the claim of the petitioner is for a correction of the date of retirement to be accepted by the respondent authorities in her service conditions. The change of date of birth under the service conditions is governed by SR 8(c) of the FR/SR applicable to the Government of the Assam. Accordingly, the petitioner to submit a representation to the Director of Women and Child Development Department, Assam under whom she was functioning, claiming that her date of retirement be corrected and accordingly, be allowed to continue in service.

7. The representation be submitted within a period of fifteen days and upon the same being submitted, the Director shall give an opportunity of hearing to the petitioner by examining all the materials available and pass a reasoned order within a period of another two months from the date of receipt of the representation.

8. The original document including the Aadhaar Card submitted may be accordingly returned to the learned counsel for the petitioner after obtaining his endorsement.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant