

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No. 291 of 2023**

**Smt. Sanghita Majumder**, wife of Nepal Malla, resident of village & P.O.-  
Magurcherra, P.S. Manubazaar, Sabroom, Tripura, Pin-799143.

.....**Petitioner**

**-VERSUS-**

1. **The State of Tripura**, represented by the Secretary, Department of Social Welfare and Social Education, Government of Tripura, New Secretariat Building, New Secretariat Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura PIN-799010

2. **The Secretary**, Department of Finance, Government of Tripura, New Secretariat Building, New Secretariat Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura PIN-799010

3. **The Director**, Social Welfare and Social Education, Malancha, Ujan Abhoynagar, Agartala, West Tripura

4. **The Child Development Project Officer**,  
Rupaichari ICDS Project, Sabroom, South Tripura

.....**Respondents**

|                                                   |   |                                                              |
|---------------------------------------------------|---|--------------------------------------------------------------|
| For Petitioner (s)                                | : | Mr. D. Paul, Advocate                                        |
| For Respondent (s)                                | : | Mr. Kohinoor N. Bhattacharyya, GA<br>Mr. Ashim Deb, Advocate |
| Date of hearing & delivery<br>of judgment & order | : | <b>23.02.2024</b>                                            |
| Whether fit for reporting                         | : | <b>Yes / No</b>                                              |

**HON'BLE MR. JUSTICE ARINDAM LODH  
JUDGMENT & ORDER (ORAL)**

Heard Mr. D. Paul, learned senior counsel for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents- No. 1 and 2, and Mr. Ashim Deb, learned counsel appearing for the respondents No. 3 and 4.

2. The present writ petition has been filed for reinstatement of the petitioner into her service.

3. The fact of the case, is that, the petitioner while working as Anganwadi Worker went on retirement on attaining the age of 58 years. However, the Government of Tripura had increased the age of retirement to the extent of 60

years. The petitioner has claimed that at the time of retirement she was not attaining the age of 58 years since her Date of Birth Certificate was otherwise i.e. according to the Certificate issued by Rupaichari Panchayat Committee her Date of Birth is shown as 15.01.1967. So, she claimed reinstatement into service as she was asked to go on retirement before attaining the age of 60 years.

**4.** It is evident from the record i.e. tentative seniority list of Anganwadi workers showing their seniority w.e.f. 01.03.1976 to 31.07.2007 where the name of the petitioner is found at serial No 650. In the said seniority list, the date of joining of the petitioner as Anganwadi worker under the respondents has been shown as 16.12.1985. In column No. 4, it is reflected that she passed Class-X. The date of birth has been mentioned in the said list as 15.01.1961. When the petitioner had joined into service, her date of birth was recorded as 15.01.1961.

**5.** Learned counsel for the respondent no. 3 and 4 has relied upon a portion of the counter affidavit filed by the respondents that the date of birth of the petitioner was recorded as 15.01.1961 on the basis of horoscope, which statement has been modified and clarified in the additional counter affidavit filed by the respondents no. 3 and 4, and it is stated that the date of birth of the petitioner was recorded on the basis of School Certificate (Annexure-J, page 56 to the additional counter affidavit), which the respondents had been able to collect.

**6.** The petitioner has emphasized upon the Date of Birth Certificate issued by the Gram Panchayat of Magucherra (Annexure-2 to the writ petition) where the Date of Birth of the petitioner has been mentioned as 15.01.1967. Surprisingly, the said Date of Birth Certificate has been issued on 11.06.2021. During the course of hearing, this court wanted to see the original Memo dated 08.04.1981 wherein her date of birth was mentioned as 15.01.1967, but the learned counsel for the petitioner has failed to produce the original copy of the said Memorandum.

**7.** Mr. Deb, learned counsel appearing for the respondents no. 3 and 4 has submitted that the petitioner during 35 years of her service career had never approached the respondents for correction of her date of birth that her actual date of birth was not 15.12.1961 but on 15.12.1967. Mr. Deb, learned counsel has further drawn the attention of this court that the petitioner has intentionally avoided to submit the Admit card though, it is averred that she is Madhyamik plucked. Learned counsel for the respondents has also brought to the notice of this court that Tripura Board of Secondary Education [for short, TBSE], after clarification of the date of birth of the petitioner had informed the Director, Directorate of Social Welfare and Social Education, Government of Tripura, in response to the communication made by the Director, Directorate of Social Welfare and Social Education, dated 13.06.2023 that the petitioner, Sanghita Majumder who appeared in Madhyamik examination in the year 1981-82 having Registration No. 18897 had clearly indicated her date of birth as on 15.01.1961.

**8.** I have considered the submissions of learned counsel appearing for the parties.

**9.** At the very outset, I must say that the petitioner has not approached this court with clean hands. She has committed fraud to the court. The petitioner has suppressed her Admit Card issued in her favour by the TBSE. It is pertinent to mention herein that before commencement of Madhyamik examination, the concerned Board issued Admit Card to appear in the examination. It is now well established that the Admit card issued for appearance in Madhyamik examination is one of the most reliable document in determining the age of a person apart from the Certificate issued by the Registrar of Births and Deaths. The petitioner has stated that she appeared in Madhyamik examination. Naturally, the Board of Secondary Education had issued Admit card in favour of the petitioner, but, the petitioner willfully and purposefully has not furnished the Admit card along with this writ petition. When the dispute arose, the Director, Directorate of Social Welfare and Social

Education had made a request to the TBSE to verify the date of birth of the petitioner i.e. whether her date of birth was recorded as 15.01.1961 or 15.01.1967. In response to that letter dated 13.06.2023, the competent authority i.e. Deputy Secretary, TBSE after verification submitted his report on 17.06.2023 (Annexure H to the counter affidavit) wherein the date of birth of the petitioner has been recorded as on “**15.01.1961**” as “**GENUINE**”.

**10.** The petitioner has gone through this communication, but despite that she did not make any attempt or endeavour to controvert this Certificate issued by the TBSE by producing the original Admit Card to the court. It clearly suggests that the petitioner has not approached this court with clean hands. Another interesting fact which I would like to point out that the digit ‘1’ is very easy to manipulate as ‘7’. However, keeping this manipulation part aside, another interesting feature transpires in this case is that the petitioner has obtained a Certificate from the Panchayat after 35 years where her Date of Birth was mentioned as 15.01.1967. The original Certificate when was asked to be produced by this court, the petitioner has failed to submit the same. So, here also there is serious cloud as regards the genuinity of the Certificate mentioning her date of birth as 15.01.1967.

**11.** On perusal of the record it comes to fore that when the petitioner had joined into service as Anganwadi worker she mentioned her date of birth as 15.01.1961. Thereafter, during continuation of her service as Anganwadi worker under the respondents, seniority list of Anganwadi worker was published. There also her date of birth was mentioned as 15.01.1961. She never raised any objection when she was in service against the said seniority list. After her retirement from service, she somehow collected a Certificate from the Panchayat claiming her date of birth as 15.01.1967. The Admit card clarifies all clouds when TBSE had reported the Director, Directorate of Social Welfare and Social Education that the genuine date of birth of the petitioner as per record preserved with TBSE is 15.01.1961. If the verification report submitted by TBSE was not correct, the petitioner would have clearly

challenged the said report disputing the record preserved with the TBSE, but, she never did that.

**12.** In view of the above proven facts, this court has no other alternative, but to arrive at a finding that the petitioner has manipulated her date of birth and approached this court by way of filing the present writ petition suppressing her actual date of birth. This attempt of the petitioner amounts to committing fraud with the court and for this, she is liable to be punished.

**13.** The Hon'ble Supreme Court in *Bharat Coking Coal Limited and ors. vs. Shyam Kishore Singh*, in *Civil Appeal No. 1009 of 2020 [arising out of SLP (Civil) No. 20627 of 2019]* has drawn the principle that the belated claim of correction of date of birth has rightly been rejected by the authority concerned.

In *Kusha Durika vs. State of Odisha*, reported in *2024 SCC Online SC 56*, the Hon'ble Supreme Court has held that “*anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice*”.

Further, in *K.D. Sharma vs. Steel Authority of India Limited*, reported in *(2008) 12 SCC 481*, the Hon'ble Supreme Court has held that “*If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the Court, the Court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the Court does not reject the petition on that ground, the Court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of Court for abusing the process of the Court*”.

**14.** Since it is apparent from the record that the petitioner has not approached this court with clean hands and tried to mislead the court,

according to me, this is a fit case to impose exemplary cost upon the petitioner so that this kind of attempt cannot be made by any of the citizens of this nation.

**15.** However, considering the fact that the petitioner was just an Anganwadi worker having less remuneration, out of sympathy, I impose a cost of Rs.10,000/- (Ten thousand) only upon the petitioner. The said amount is to be paid by the petitioner within 30 days in favour of Tripura State Legal Services Authority. The petitioner has caused sheer wastage of valuable time of this court intentionally.

**16.** With the aforesaid observations and directions, the instant writ petition stands dismissed.

Pending application(s), if any, also stands disposed.

**JUDGE**



**SAIKAT KAR**

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