

GAHC010119712023



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

Case No. : WP(C)/3228/2023

ROHILA BASUMATARY
DAUGHTER OF LT. NANDI RAM BASUMATARY,
RESIDENT OF VILLAGE- PASCHIM REHABARI,
P.O.- BAGHMARA BAZAR,
DISTRICT- BAKSA.
ASSISTANT TEACHER OF 44 NO. UDALGURI L.P. SCHOOL.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT.

3:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI-19.

4:DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM

PIN 783370.

5:DISTRICT ELEMENTARY EDUCATION OFFICER
BAKSA
MUSHALPUR

ASSAM 781343.

6:DEPUTY INSPECTOR OF SCHOOLS
SALBARI
781318.

7:BLOCK ELEMENTARY EDUCATION OFFICER

JALAH
ANCHALI BLOCK

781327.

8:THE CONTROLLER OF EXAMINATION
BOARD OF SECONDARY EDUCATION

ASSAM
GUWAHATI-2

Advocate for the Petitioner : MRS A BUJARBARUAH

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 21.02.2024

Heard Ms. A. Bujarbaruah, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, Elementary Education Department, Government of Assam for the respondents No.1, 2 and 3; Mr. S. Bora, learned standing counsel, BTC for the respondents No.4, 5, 6 and 7 and Mr. D.K. Roy, learned counsel for the respondent No.8.

2. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to correct the date of birth recorded in the service book from 01.03.1963 to 01.03.1967.

3. The learned counsel for the petitioner submits that when the petitioner appeared in the matriculation examination in the year 1985, her date of birth was recorded in the Admit card as 01.03.1967. However, she failed in the matriculation. Thereafter, the petitioner again appeared for matriculation examination, wherein, her date of birth has been wrongly recorded as 01.03.1963. Accordingly, in her service book, her date of birth has been wrongly recorded as 01.03.1963. The

petitioner was working as Assistant Teacher and on the basis of the date of birth recorded in the service book as 01.03.1963, she has been allowed to go on retirement.

4. This Court on 05.02.2024 had directed the learned counsel for the petitioner to place on record the matriculation certificate issued by Board of Secondary Education, Assam. When the matter is taken up today for hearing, Ms. A. Bujarbarua, learned counsel for the petitioner has produced the copy of the certificates issued by the Board of Secondary Education, Assam.

5. On perusal of the certificates issued by the Board of Secondary Education, Assam, I find that the date of birth of the petitioner is clearly reflected as 01.03.1963, which is exactly same with the date of birth recorded in the service book of the petitioner.

6. Learned counsel for the petitioner made a vain attempt to project that the actual date of birth is 01.03.1967, which may have been inadvertently recorded in the second attempt of the petitioner in the matriculation examination in the year 1991-92, which this Court finds the same absolutely unacceptable.

7. Having considered the certificates produced by the learned counsel for the petitioner which clearly reflects the date of birth as 01.03.1963, this Court is of the view that the grievance of the petitioner for correction of the date of birth on the basis of untenable submissions is hereby rejected.

8. Accordingly, writ petition stands dismissed, being devoid of merit.

Copies of the certificates produced by the learned counsel for the petitioner be kept on record as document 'X series'.

JUDGE

Comparing Assistant