

01.09.2021.
Item No. 134.
Court No.13
pk

**W.P.A. No. 2492 of 2021
(Through Video Conference)**

**Rafik @ Rafique Sekh
Versus
The State of West Bengal & Ors.**

Mrs. Lipika Chatterjee

...for the petitioner.

Mr. Rajarshi Basu,
Mr. Debjit Samanta

..for the State.

Mr. Ranjay De,
Mr. B. Banerjee

... for the respondent nos. 2 to 4.

Mr. Srinjay Das

... for the respondent no. 6.

The writ petitioner is admittedly engaged by the Sagardighi Multi Purpose Industrial Co-operative Society Ltd., a labour contractor, who was engaged by the Sagardighi Thermal Power Project.

The writ petitioner reached the age of 60 years on 31st December, 2020. The writ petitioner claims that initially he had declared that he was born in the year 1961 in the records of the contractor. The petitioner around the time of retirement had applied before the respondent nos. 2 and 3 for correction of his date of birth to 1967 instead of 1961. The petitioner relies upon Adhar Card, PAN Card and Voter Identity Card in this regard.

This Court is of the view that the writ petitioner cannot claim any right whatsoever against the respondent nos. 1 to 4.

It is now well settled that application for rectification of age, if at all, cannot be made immediately prior to retirement.

The petitioner's application before the Assistant Labour Commissioner is also otherwise not maintainable.

Hence, the writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)