

g.b.  
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02.12.  
2021  
Ct. No.17

WPA 11911 of 2020

**Sk. Afsar Ali**  
**Vs.**  
**The State of West Bengal & Ors.**

**Mr. Partha Sarathi Bhattacharyya, Sr. Advocate**  
**Mr. Raju Bhattacharyya**  
**Mr. Tanweer J. Mandal**

**.....For the Petitioner**

**Mr. Arindam Chandra**

**.....For the Respondent Nos. 7 & 8**

**Ms. Sanghamitra Nandy**

**Mr. Rajaram Banerjee**

**.....For the State**

The petitioner has filed this case actually for correction of his date of birth from 02.02.1960 to 09.07.1962.

This is the second round of litigation. After the first round of litigation the matter was considered by the Deputy Director of School Education and he passed an order dated 03.07.2020 which has been challenged in this writ application. In the said order the Deputy Director of School Education held that the documents submitted by the petitioner cannot be considered at present and he has also given some reasons for that. In any event the law is clear in this regard that the date of birth once recorded cannot be changed to the benefit of the person after a long time of the service of the person under any authority (here the school).

Hence, I do not find any legal infirmity in the impugned order passed by the said Deputy Director of

School Education dated 03.07.2020 and the writ application is dismissed, however, without any order as to costs.

I am told by the learned advocate for the petitioner that the petitioner has already received his gratuity amount but other retiral benefit is due.

I direct the school to take appropriate steps within a period of one month, so that the petitioner can get his other retiral dues immediately after the said one month period, from the date of communication of this order.

Learned advocate for the school has submitted that whether the petitioner is entitled to pension and other retiral benefits from the school is a matter which is to be looked into by the school as he has no instruction in this regard.

**(Abhijit Gangopadhyay, J.)**