

23-03-2021
Court No.2
Sh-9

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

W.P.A. 639 OF 2021

Adhir Chandra barman
Vs.
The State of West Bengal & Ors.

Mr. Deborshi Dhar.
.. For the Petitioner
Mr. Subir Kumar Ghosh,
Mr. Bikramaditya Ghosh,
..For the State.

Parties are represented through their learned advocates, the names of whom are shown above at the beginning of the order sheet.

The grievance of the writ petitioner is that pursuant to the direction passed in WP No. 14485 (W) of 2018, the writ petitioner, though participated in the hearing process, but the writ petitioner was not supplied with Supreme Court's order read with Finance department Order No.707-F(P) dated 24-01-2012, relying upon which the respondent rejected his prayer for correction of age.

Admittedly, the writ petitioner is a working teacher of a Secondary School. The writ petitioner claims that his date of birth in the records of the School as well as in the Office of District Inspector of Schools has been incorrectly recorded by reason of incorrect recording of date of birth of West Bengal Secondary Education Board in the School leaving certificate. The writ petitioner after joining service took up the matter

for correction of his date of birth, following which the Board was directed to consider the case of writ petitioner after calling the records from the School concerned, where the writ petitioner last studied at his Board level examination.

Mr. Ghosh, learned advocate representing the State respondents, submits that the State has already complied with the direction passed in this case vide WP 14485 (W) of 2018.

The point raised in this case is very short that at the time of hearing the writ petitioner could not be given to understand the Supreme Court's order, relying upon which his prayer for correction of age was rejected and it was thus an element of surprise for which the writ petitioner has again come before this Court for redressal of his grievance.

Mr. Ghosh, learned advocate, representing the State submits that exchange of affidavits may be directed to be furnished in order to duly address the issue involved in this case.

The point raised in this case being very short, the Court is of the view that exchange of affidavits is not necessary in the given circumstances of the case.

That being the position, the instant writ petition is disposed of upon setting aside the order of the Regional Officer, North Bengal, West Bengal Board of Secondary Education, dated 5th December, 2018 with a direction upon the respondent Board in particular the Regional

Officer, North Bengal, West Bengal board of Secondary Education, being the respondent no.3 to give a hearing afresh to the writ petitioner upon supplying a copy of the Supreme Court's order read with finance department Order No.707-F(P) dated 24-01-2012, at least one week before the date of afresh hearing for the purpose.

It is desirable that a reasoned order may be recorded by the respondent Board after giving sufficient opportunity of hearing to the writ petitioner. Such exercise is necessary in order to show all fairness of the hearing process.

The entire exercise has to be completed within eight weeks from the date of communication of this order.

With these observations and directions, the writ petition is disposed of without any order as to costs.

Since no affidavits have been called for, the allegations contained in the writ petition shall be deemed not to have been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties expeditiously on compliance of all requisite formalities.

(SUBHASIS DASGUPTA, J.)