

21.3. 2022
Court No. 19
Item no.12
sn

WPA 3277 of 2021

Satyajit Sahis
Vs.
The State of West Bengal & Ors.

Mr. Subhas Chandra Atha
Ms. Payel Paramanikfor the petitioner

Mr. Manas Kundu
Mr. Sudip Sarkar ..for the State

The petitioner prays that the Purulia municipality be directed to correct the date of birth of the petitioner in the service book. It is submitted that the date as recorded in the service book, must be corrected by inserting the date of birth, as appearing in the school leaving certificate, of the petitioner.

This Court does not find that such prayer was ever made by the petitioner before the competent authority of the concerned municipality, where the petitioner is allegedly working. The petitioner claims to have been appointed by the municipality, under the died-in-harness category.

Without going into merits of the claims of the petitioner and without deciding the issues involved in this case, this writ petition is disposed of with a direction that, in the event an application is filed by the petitioner for correction of his date of birth in the service records, the same shall be considered and

disposed of in accordance with law by the municipality, upon granting an opportunity of hearing to the petitioner. The petitioner shall be allowed to place relevant documents in support of his contentions. A reasoned order shall be passed and communicated to the petitioner.

It is made clear that this order shall not be construed as an observation or as a seal of the Court, either on the nature of appointment or as a recognition that the petitioner is an employee in the regular establishment of the concerned municipality.

The petitioner relies upon the staff statistics report prepared some time in 2010 and as such this Court is not in a position to ascertain as to whether the petitioner is continuing in the service of the municipality, at present. If the petitioner is not in the employment of the municipality at present, in that case, such fact shall be disclosed in the reasoned order to be passed by the municipality.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)