

41 **18.05.
2022**

Ct. No. 04

Ab

**MAT 917 of 2021
IA No. CAN 1 of 2021**

**Prasanta Kumar Saha
Vs.
State of West Bengal and others.**

**Mr. Rajendra Banerjee.
... for the appellant.**

A stale claim is to be resuscitated at the fag end of the service career by moving the writ petition before this Court seeking correction of the date of birth.

The writ petitioner/appellant derived benefit of the service upon production of the certificate issued by the West Bengal Board of Secondary Education wherein his date of birth has been disclosed and later on realized from his mother that he was born on some other date. An affidavit of the mother was secured in order to establish that the date of birth as shown in the said affidavit is correct and the date of birth shown in the certificate issued by the West Bengal Board of Secondary Education is incorrect.

Our attention is drawn to the affidavit of the mother shown before the notary. On being asked, learned advocate for the appellant submits that the appellant was born in a village and obviously the mother of the appellant has no proficiency in English language. The affidavit is shown in a language unknown to her nor there is any certificate appended that the content of the affidavit has been explained in the language known to her. Even she was unable to sign, which would be apparent from the left thumb impression put in the said document. Such document is unreliable nor can be acted upon and the document issued by the statutory

authority disclosing the date of birth is sacrosanct unless the contrary is proved by a very strong piece of evidence.

A plea is sought to be taken before us that an application for correction of the date of birth was taken out as far back as in the year 2002, which is still pending. It appears that the writ petitioner/appellant approached this Court by filing a writ petition in the year 2019, after seventeen years from the date of the said application. The logical inference, which can be drawn from such long silence having shown by the writ petitioner/appellant that he approached the Court upon sensing that the date of superannuation would be in the year 2022 i.e. in a close proximity of time.

Even if we accept the submission of the learned Advocate for the appellant that the authority initiated the proceeding and such proceeding has not culminated into a final order, we do not find that it is a fit case where the prayer as made in the writ application deserves any favourable order.

We, thus, do not find any infirmity and/or illegality in the order of the Single Bench in dismissing the writ petition.

The instant appeal is dismissed.

In view of dismissal of the appeal itself, the connected application being CAN 1 of 2022 has become infructuous and the same is also dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

