

03.01.2022
Court No.4
Item No.78
SB

MAT 1240 of 2021
with
CAN 1 of 2021

Sri Shib Sankar Sahoo
Vs
The State of West Bengal & Ors.

Mr. P.S. Bhattacharyya
Mr. Gour Baran Sau For the Appellant

Mr. Bhaskar Prasad Vaisya ... For the Respondents

Ms. Koyeli Bhattacharjee ... For the WBBSE.

The writ petition filed by the petitioner for correction of the date of birth shown in the admit card issued by the West Bengal Board of Secondary Education is dismissed by the Single Bench solely on the ground of a belated attempt in this regard. The Single Bench observed that the application for correction of date of birth was filed nearly forty years after, the document issued by the Board smacked a malice and, therefore, no relief can be granted to the petitioner. The instant dispute travelled to this Court on the earlier occasion as well as a direction was passed upon the Age Correction Committee to consider the case of the petitioner pertaining to the correction of the date of birth recorded in the admit card and the other documents maintained by the Board.

Our attention is drawn to a resolution / order dated 20.11.2018 passed by the precedent ad-hoc committee which according to the learned counsel for the appellant was not taken note thereof by the Single Bench. The said resolution /

order dated 20.11.2018 would reveal that the ad-hoc committee constituted for such purposes was unable to take a final call on the dispute in absence of any formal application in a prescribed format having filed by the appellant. The ad-hoc committee was of the view that in absence of any formal application filed in strict adherence to the procedure provided, the ad-hoc committee shall not be in a position to take any decision.

In fact, the matter is still pending before the said ad-hoc committee as no final decision has yet been taken. Subsequently, the formal application has been taken out in due adherence to the procedure, but the petitioner could not appear despite several notices were issued by the said ad-hoc committee.

Be that as it may, the response may be assumed in silence but the fact remains that the ad-hoc committee has kept the matter alive and has not taken any final decision thereupon. To mitigate such situation and without delving upon the contradictions having shown by the respective advocates and in order to achieve the ends of justice, we feel that if the petitioner / appellant submits all the documents as required by the said ad-hoc committee and the final decision is taken thereupon, it would foreclose the live dispute which is travelling the periphery of the docket of the Court for more than a decade.

We, therefore, direct the appellant to submit all the documents which he intends to rely upon in support of his claim to the ad-hoc committee within two weeks from date. The ad-hoc committee shall thereafter dispose of the said application

so submitted within four weeks therefrom after affording an opportunity of hearing to the petitioner / appellant.

The order impugned is set aside and the writ petition shall be deemed to have been disposed of on the above terms.

Nothing observed hereinabove shall be construed to have persuasive impact on the merit of the said application filed by the petitioner / appellant which shall be decided independently and on merit.

In view of the observations made above, the Appeal and connected application are disposed of.

(Rabindranath Samanta, J.)

(Harish Tandon, J.)