

21.09.2022
Ct. 5
D/L 17
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WPA 18993 of 2022

Snigdha Karmokar
-Vs-
Contai Municipality & Ors.

Mr. Subir Sanyal,
Mr. Tanmoy Mookherjee,
Mr. Kamal Mishra,
Ms. R. Mukherjee,
Mr. K. R. Ahmed

.... for the petitioner

Mr. Sudipta Panda,
Mr. Subrata Ghosh

... for the State

Mr. Nilanjan Adhikari

... for the respondent no. 1 to 4

The controversy in the present writ petition relates to two dates of birth appearing in two certificates; one relied upon by the petitioner and the other by the Contai Municipality. The inconsistency in the two certificates has resulted in prejudice to the petitioner in real terms. The petitioner was not permitted to appear for the verification for in-service training for the State Government posts by reason of the authorities noticing such discrepancy.

The petitioner was granted a limited interim order by a coordinate Bench on 26th August, 2022 whereby the birth certificate produced by the petitioner was to be

deemed as a provisional certificate for the immediate use by the Authorities.

Learned counsel appearing for the petitioner complains that despite the order, the petitioner was not allowed to sit for the concerned training for the post.

The respondents are present in Court.

The Municipality seeks to rely on the document by which it shows that the petitioner was born three months later on 30th July, 1998. The Police Authorities submit that the petitioner was considered to be ineligible for the training and the post by reason of the varying documents produced by the Authority.

The documents before the Court show that the date of birth of the petitioner is 30th April, 1998 with mention of birth registration no. 671 and date of registration 2nd June, 1999. Per contra, the document produced in the report of the Superintendent of Police, Purba Medinipur shows that the petitioner was born on 30th July, 1998. The document, however, bears the same registration number as the certificate produced by the petitioner and the date of registration mentioned therein is 31st May, 1999.

The inconsistency between two documents is of three months and that too does not enure any benefit to the petitioner if the petitioner's date of birth is to be taken as correct. This is because the petitioner's certificate indicates that the petitioner was born in

April, 1998 while the Municipal Certificate shows July, 1998. The recalcitrant attitude on the part of the Municipality is also beyond the apprehension of the Court as Section 15 of The Registration of Births and Deaths Act, 1969 empowers the Registrar under Section 7 of the Act to correct or cancel any entry of a birth or death in any register kept by him under this Act. The notice dated 25th June, 2021 issued by the West Bengal Board of Secondary Education also shows that the petitioner was eligible for Madhyamik Examination in 2013.

However, to prevent any further delay in future prospects of the petitioner and to ensure closure of an issue which should have been solved long back, the Chairman and Registrar of Birth and Death, Contai Municipality, being the respondent no. 3 is directed to correct the birth certificate of the petitioner according to the records available with the Municipality within a period of three weeks from today.

Since this would cause unnecessary and expensive logistic difficulties to the petitioner, the Municipality is directed to give all forms of assistance to the petitioner for implementing the correction in all documents across the board.

Needless to say, the Police Authorities will verify the corrected certificate of the Municipality within two weeks from the date from which the Municipality gives

the documents to the Police Authorities but within an outer limit of six weeks from today.

Learned counsel appearing for the Police Authorities is requested to intimate the respondent no. 7 to allow the petitioner to sit for in-service training in the meantime.

WPA 18993 of 2022 is disposed of in terms of the above.

(**Moushumi Bhattacharya, J.**)