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05.01.2022
Ct. No.23
(NB)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20723 of 2021

Dipali Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Lal Ratan Mandal.
... for the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha.
... for the State.

The petitioner was engaged as an Anganwadi Helper (Sechha Karmi) on 22nd July, 1985. The minimum age for being appointed as such Helper under the relevant scheme was 40 years. The petitioner, therefor, was at least 40 years of age on 22nd July, 1985. Keeping in mind this date, the petitioner's date of birth has to be latest by 22nd July, 1945. The petitioner, therefor, would have attained the age of 65 years in 2010.

The petitioner says that she was born on 23rd December, 1965 and have produced School Leaving Certificate issued by Chhoto Chand Ghar Primary School and other documents to substantiate her date of birth. If the petitioner was born in 1965 she could not have competed in the selection process in 1985 where the minimum cut off age was 40 years. All the documents are on the basis of self declaration of date of birth or of age.

Interestingly, the School Leaving Certificate being the primary document was obtained on 10th December, 2020, much after the termination which took place on 31st December, 2019. The petitioner prays for her representation to be considered by the authority concern apart from setting aside the order of termination.

After going through the documents and records and in the light of the observations made hereinabove, I do not find any justification to direct the petitioner's representation to be considered as incorrect statements are apparent on the face of record. The petitioner has also approached the Court at a much belated stage. The writ petition has been filed on 17th December, 2021 while termination took place on 31st December, 2019.

The writ petition is, therefor, devoid of merits and is accordingly dismissed with costs assessed at Rs.2000/- payable to the High Court Legal Services Committee. The cost is awarded for having invited this Court to consider an absolute frivolous case.

The writ petition is made returnable on 19th January, 2022 only for the purpose of ascertaining the payment of cost.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)