

23.03.2023
DL-98
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 303 of 2023

Arati Ghoshal
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Ms. Poulami Dutta,
Ms. Tiya Ghosh

....for the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Mrinal Kanti Biswas

....for the State.

The petitioner was working as a Lady Home Guard in the office of Deputy Commissioner of Police, Home Guard Organisation (HGO), Government of West Bengal since 1984. The petitioner has challenged the impugned notice dated October 25, 2021 declaring that the petitioner is to attain the age of 60 on July 21, 2022 and her name would be struck off from the muster roll, HGO, Kolkata with effect from August 1, 2022.

Mr. Mukherjee, learned counsel, appearing on behalf of the petitioner submits that from the records it would appear that the petitioner is to attain the age of 60 on October 2, 2026, being her date of birth on October 3, 1966.

Ms. Bhattacharya, learned Sr. Government Advocate, appears on behalf of the State authorities

and hands over a written instruction in Court today. Such instruction is kept with the records.

It appears from the said instructions that in the application form the petitioner herself declared her date of birth as July 22, 1962. Based on such application form, her date of attainment of the age of 60 years was held to be on July 21, 2022. She further submits that the petitioner had the option to rectify the said date of birth within 5 years of joining the service, but she could not be permitted to do so just on the verge of her retirement or after her retirement.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the date of birth of the petitioner cannot be changed/rectified just prior to her retirement or after retirement. On the application form itself the petitioner declared her date of birth to be July 22, 1962. Therefore, there is no mala fide intention and arbitrariness in issuance of the impugned notice dated October 25, 2021 by the Reserve Officer, HGO, Kolkata.

In the circumstances aforesaid, **WPA 303 of 2023 is dismissed.**

Since no affidavits have been called for in the writ petition, the allegations contained therein are

deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)