

10.10.2023
DL-65
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1814 of 2023

Md. Iflam Mia
Vs.
State of West Bengal & Ors.

Mr. Abdul Hadi
.....for the petitioner.
Mr. Debangana Bhattacharjee
.....for the respondent no.2.
Mr. T. K. Chatterjee
.....for the respondent no.3.
Mr. Ravi Kumar Dubey
.....for the respondent no.4.

The petitioner has prayed for change of his name in the records of the Employees' State Insurance Corporation (ESI) authorities from "*Upendra Prasad*" to "*Md. Iflam Mia*". He has also prayed for recording of his father's name as "*Amin Mia*" instead of "*Rajpath Prasad*".

It is the case of the petitioner that he worked with the Hooghly Mills Company Limited. However, the name of the petitioner was wrongly recorded as Upendra Prasad.

Mr. Dubey, learned counsel appearing on behalf of the respondent no.4/Hooghly Mills Company Limited, submits that the petitioner has worked as a workman of the company. Whether or not he prayed for rectification of his name prior to 2022 cannot be stated, in the absence of corroborative record.

Mr. Bhattacharjee, learned counsel appearing on behalf of the Regional Provident Fund Commissioner (RPFC)/respondent no.2, submits that there are discrepancies in the documents produced by the petitioner for correction of his name. The Aadhar Card submitted by the petitioner as supporting document for correction of the petitioner's name does not support the case of the petitioner.

Mr. Chatterjee, learned counsel appearing on behalf of ESI submits that even though an affidavit may have been affirmed in 2013 before the 1st Class Judicial Magistrate at Alipore, South 24-Parganas, but no prayer was made before the authorities concerned for correction of name till February 2022 by the petitioner.

A document of 2020-21 being the calculation sheet of the Employee's Provident Fund dues is relied on to show that as late as 2021 the name of Upendra Prasad appeared in the records of the respondent no.4.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that there appears to be serious disputed question of facts involved in the present writ petition. Therefore, the prayers of the writ petitioner cannot be allowed by the writ Court.

Accordingly, **WPA 1814 of 2023** is **dismissed**.

However, this order shall not preclude the petitioner from taking appropriate steps, in accordance with law, if so advised.

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.)