

Dd 18 11.08.2023

WP.ST. 102 of 2015

**Farida Khatun
Vs.
The State of West Bengal & Ors.**

*Mr. Ujjal Ray,
Mr. Arpa Chakraborty,
Sk. Abdur Rahim, Advocates
... .. For the Petitioner*

*Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole,
Mr. Somnath Naskar, Advocates
... .. For the State*

The writ petition is directed against an order dated January 9, 2015 passed by the West Bengal Administrative Tribunal in OA 1187 of 2014.

The writ petitioner, participated in the selection to the post of lady constable of West Bengal Police.

The recruitment process was of 2013. The writ petitioner in the application form gave her date of birth as January 15, 1990, whereas her actual date of birth was January 5, 1990, as appearing from the Admit Card of West Bengal Board of Secondary Education.

Writ petitioner acknowledges that her date of birth is January 5, 1990. She claims that, she wrote the date of birth as January 15, 1990 in her application, inadvertently.

Learned advocate appearing for the petitioner relies upon a decision of the Delhi High Court reported at **2016 SCC OnLine 6553 [Ajay Kumar Mishra vs. Union of India & Ors.]**. He submits, there, an application which contains erroneous date of birth, was

allowed to be rectified and considered by the authorities.

Learned senior advocate appearing for the State submits that, in the selection process, the authorities, cancelled candidature of 31 candidates on the basis of incorrect date of birth. Candidature of candidates putting in incorrect date of birth in the same selection process, came up for consideration before the co-ordinate Bench in **WP.ST 210 of 2015 [Koel Ghosh vs. The State of West Bengal & Ors.]** disposed of on **September 14, 2015**. The co-ordinate Bench did not grant relief to the writ petitioner. Consequently, according to him, the writ petitioner before us is not entitled to any relief.

Admitted facts are that, the writ petitioner participated in a selection process for the post of lady constable of the West Bengal police in the year 2013. She wrote her date of birth as January 15, 1990, while her date of birth was January 5, 1990, as appearing from the Admit Card of the West Bengal Board of Secondary Education.

The authorities, cancelled the candidature of 31 candidates on the ground of incorrect date of birth.

The issue as to whether, incorrect date of birth, results in disqualification in selection process was considered by the co-ordinate Bench in **Koel Ghosh** (supra). The co-ordinate Bench, noted decisions of co-ordinate Bench in earlier writ petitions being WP.ST 161 of 2015 and WP.ST 194 of 2015. Noticing the same, the co-ordinate Bench did not grant any relief to the writ petitioner therein.

The writ petitioner before us is similarly situated and circumstanced as that of **Koel Ghosh** (supra). The

writ petitioner herein participated in the same selection process as that of **Koel Ghosh** (supra).

In such circumstances, we are not in a position to take a different view than the co-ordinate Bench.

In **Ajay Kumar Mishra** (supra) the Delhi High Court noted that, the petitioner therein, applied for rectification of the error in the date of birth submitted. In the facts of the present case, the writ petitioner did not apply for rectification of the date of birth prior to the mistake being discovered by the authorities.

In such circumstances, we find no reason to interfere with the impugned order of the Tribunal.

WP.ST. 102 of 2015 is **dismissed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)