

10.10.2023
SL No.47
Court No.8
(gc)

**MAT 1679 of 2023
CAN 1 of 2023**

**Shib Sankar Sahoo
Vs.**

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.,
Mr. Gour Baran Sau,
Mr. Arunava Maity,
Mr. Raju Bhattacharyya,
...for the Appellant.
Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Suman Dey,
...for the State.
Mrs. Koyeli Bhattacharyya,
...for the W.B.B.S.E.

1. The decision of the President, Ad-hoc Committee, West Bengal Board of Secondary Education dated 3rd August, 2022 was the subject matter of challenge in the writ petition. The learned Single Judge on consideration of the fact that the time limit specified in Clause 8(7) of the Circular No.AGE/G/I/October/1977 dated 3rd October, 1977, namely seven years for an application for correction of the date of birth is neither rigid nor flexible and can be entertained after period of seven years but only under “special circumstance” on the recommendation of the Age Correction Committee of the Board. In the instant case, it is an admitted position that the

petitioner was aware that his date of birth was wrongly recorded in the year 1978 when applied for admission in Pharmacy post in Jalpaiguri and he was deprived of the opportunity for being over-aged. However, surprisingly till 2010, he did not file any application for correction of the date of birth. He retired from service in the year 2017. He has received all his pensionary benefits. This cannot be considered to be a special circumstance for considering his representation for correction of the date of birth.

2. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.
3. The appeal fails.
4. Accordingly, the appeal and the application stand dismissed.
5. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)