

6<sup>th</sup> December, 2023  
(D/L No.70)  
(SKB)

**W.P.A. 21022 of 2012**

Mihir Kumar Saha  
Versus  
The State of West Bengal and others

Ms. Manali Biswas

... for the petitioner

The affidavit of service filed by the petition in court today is taken on record.

This writ petition has been preferred primarily praying for the following relief:

*“(a) A writ of and/or in the nature of mandamus commanding the respondents and/or their men, agents, subordinates and each one of them particularly the Secretary, West Board of Secondary Education to rectify the erroneous recording of the petitioner’s date of birth in the record of the West Bengal Board of Secondary Education and issue rectified Madhyamik Pariksha (Secondary Examination) Certificate in favour of the petitioner showing the petitioner’s date of birth as 11<sup>th</sup> April, 1970 instead of 11<sup>th</sup> April, 1968 immediately;”*

Capsulated form as depicted in the writ petition is that the petitioner was born on 11<sup>th</sup> April, 1970 at his native place located at village Kishorepore, Murshidabad. He got admitted in Kishorepore Primary School in the year 1976 in Class II. At the time of his admission, his date of birth was duly recorded in the admission register of the school wherefrom it is reflected that his actual date of birth is 11<sup>th</sup> April, 1970.

The petitioner passed the ‘Primary Final Examination’ conducted by the Education Department, Government of West Bengal with 1<sup>st</sup> division in

December, 1980. From the petitioner's '*School Leaving Certificate*' also it would be explicit that his date of birth is 11<sup>th</sup> April, 1970.

In 1987, the petitioner appeared in Madhyamik Pariksha (Secondary Examination) conducted by the West Bengal Board of Secondary Education (in short 'Board') but erroneously in the certificate issued by the Board, the date of birth of the petitioner was recorded as 11<sup>th</sup> April, 1968. The petitioner was appointed as a Primary Teacher in Panchgram Girls' Primary School on 2<sup>nd</sup> August, 1989. As and when the wrong recording of date of birth in the certificate issued by the Board was detected, the petitioner made a representation to the respondent no.4 being the Secretary, the West Bengal Board of Secondary Education with a prayer for correction and/or rectification of his date of birth recorded in the certificate issued by the Board but despite receipt of such application, the concerned respondent did not consider the same nor did take any decision on such representation. Hence, the petitioner has been constrained to prefer this writ petition.

Despite service, the respondents are unrepresented.

Ms. Biswas contends that a direction may be given upon the Board to rectify the date of birth of the

petitioner and issue a fresh certificate in favour of the petitioner incorporating his correct date of birth therein.

Heard learned counsel for the petitioner and perused the materials on record. From the 'School Leaving Certificate' issued by the District School Board, Murshidabad, which was issued in 1981, it is explicit that the petitioner's date of birth was recorded as 11<sup>th</sup> April, 1970 whereas from the certificate issued by the Board, it is reflected that the date of birth of the petitioner was recorded therein as 11<sup>th</sup> April, 1968. The petitioner made a representation praying for correction of petitioner's date of birth recorded in the certificate issued by the Board as 11<sup>th</sup> April, 1968 in place and stead of 11<sup>th</sup> April, 1970 though in the prayer portion of the representation mistakenly the dates have been written as 1.4.1968 and 1.4.1970 in place of 11.04.1968 and 11.04.1970.

In such sequence of facts, the writ petition is disposed of directing the respondent no.4 to consider the representation of the petitioner dated 15<sup>th</sup> May, 2012 after affording an opportunity of hearing to the petitioner and pass a reasoned order. If the petitioner's prayer made in the said representation is found to be acceptable, the respondent no.4 shall take next follow up action in accordance with law. If the petitioner's claim held to be not tenable, the respondent no.4 shall

pass a reasoned order and such reasoned order must be communicated to the petitioner. The entire exercise shall be completed within 6 weeks from the date of receipt of a copy of this order. It is further clarified that I have not gone into the merits of the case.

Accordingly, the writ petition is disposed of with the above observation and order.

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

**(Partha Sarathi Chatterjee, J.)**