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09.08.2023
D.Hira
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

MAT 1881 of 2019

**Tarak Nath Kar
Versus
The State of West Bengal & Ors.**

**Mr. Subrata Bhattacharyya,
Ms. Shipra Santra.
... for the appellant**

**Mr. Saikat Banerjee,
Ms. Juin Dutta Chakraborty.
... for the High Court
Administration**

Heard Mr. Subrata Bhattacharyya, learned counsel appearing for the appellant and Mr. Saikat Banerjee, learned counsel appearing for the High Court Administration and perused the entire materials on record.

The appellant was selected and appointed as Group-D staff attached to the Judge, Special Court-cum-Additional District and Sessions Judge, Asansol in the year 1985. At the time of joining in service the appellant declared his date of birth is 23rd July, 1964 and the same was recorded in his service book. While so in the year 2019 he gave a representation to the District Judge to modify the date of birth as 23rd July, 1966. The appellant failed to produce original documents as required

by the District Judge and the District Judge rejected his request for modifying the date of birth.

In such circumstances, the appellant filed a writ petition being W.P. 7010 (W) of 2019 before this Court.

The said writ petition was dismissed by the order dated 25th July, 2019 by this Court. Challenging the said order the appellant filed MAT 1272 of 2019 and the said appeal also was dismissed. Again he filed the present W.P. 18250 (W) of 2019 for the very same relief.

Before the learned Single Judge the appellant produced two documents dated 20th August, 2019 issued by the Headmaster of Palashdiha High School (H.S.) and the transfer certificate dated 3rd September, 2019 issued by the Headmaster of the Bhiringi T.N. Institution to show that the date of birth of the appellant is 23rd July, 1966.

Learned Judge dismissed the writ petition holding that two documents produced by the appellant are recent origin and relying on those two documents relief cannot be granted.

Against the said order the appellant has come out with the present appeal.

Learned counsel appearing for the appellant submitted that the learned Single Judge failed to consider the official documents namely Aadhar Card, certificate of enrolment under WBHS signed

by the learned District Judge of Burdwan and the health scheme certificate to substantiate his date of birth as 23rd July, 1966.

The said contention cannot be accepted for the simple reason that in the earlier writ petition no. 7010 (W) of 2019, all these documents were considered by the learned Judge along with declaration form given by the appellant at the time of joining and the relevant rules and dismissed the writ petition.

The appeal being MAT 1272 of 2019 filed by the appellant was also dismissed. After dismissal of the appeal, the appellant obtained the present two documents dated 20.08.2019 and 03.09.2019 and relied on the present writ petition for correction of his date of birth as 23rd July, 1966.

Learned Judge has correctly rejected those documents and dismissed the writ petition.

The appellant is not entitled to raise very same grounds in the present appeal. there is no merits in the appeal.

The appeal fails and dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)