

WP.ST. 169 of 2023

(Uma Shankar Roy. Vs State of West Bengal & Ors.)

Mr. Arjun Roy Mukherjee

Ms. S. Banerjee

..... For the petitioner

Mr. Tapan Kumar Mukherjee, Ld. AGP

Ms. Sangeeta Roy

..... For the State/respondent

Affidavit of service filled by the petitioner be kept on record.

The present writ petition has been preferred challenging an order dated 8th May, 2023 passed by the learned Tribunal in the Original Application being O. A. No. 728 of 2022.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner's claim has been abruptly rejected without considering the specific contention of the petitioner that he had no knowledge about erroneous incorporation of his date of birth as 5th December, 1950 in the service records at the time of entry into service.

He further submits that the petitioner's actual date of birth is 5th December, 1955, as would be explicit from the certificate issued by the Headmaster of the Manbhum Victoria Institution (hereinafter referred to as the said school), as annexed at page 27 of the writ petition.

He contends that the delay which occurred in preferring the original application is attributable to the respondents. The said issue, as urged, was glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Mukherjee, learned AGP appearing for the State/respondents denies and disputes the contention of the petitioner and submits that there is no infirmity in the order impugned warranting interference of this court.

Heard the learned advocates and considered the materials on record.

Indisputedly the petitioner entered into service on 9th April, 1975. He retired upon attaining the age of 60 years on 4th December, 2010 on the basis of his date of birth in the service records. A few days prior to retirement he obtained a certificate from the Headmaster of the said school on 27th November, 2010 and submitted a representation on 29th November, 2010 for correction of his date of birth as incorporated in the service record.

Taking note of the above admitted facts, the learned Tribunal observed that the petitioner did not take any step for rectification of his date of birth since his entry into service on 9th April, 1975. Only a few days prior to retirement, he submitted a representation dated 29th November, 2010, annexing a school certificate dated 27th November, 2010. Alleging inaction on the part of the respondents, the original application was filed thereafter in the year 2022 without any appropriate explanation of the delay.

In the said conspectus, the learned Tribunal, in our opinion, has rightly rejected the original application. The said order does not suffer from any apparent error of law and as such no interference is called for in the present writ petition.

Accordingly, the writ petition being WP.ST 169 of 2023 is dismissed.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(V.M. Velumani,J.)

(Tapabrata Chakraborty,J.)